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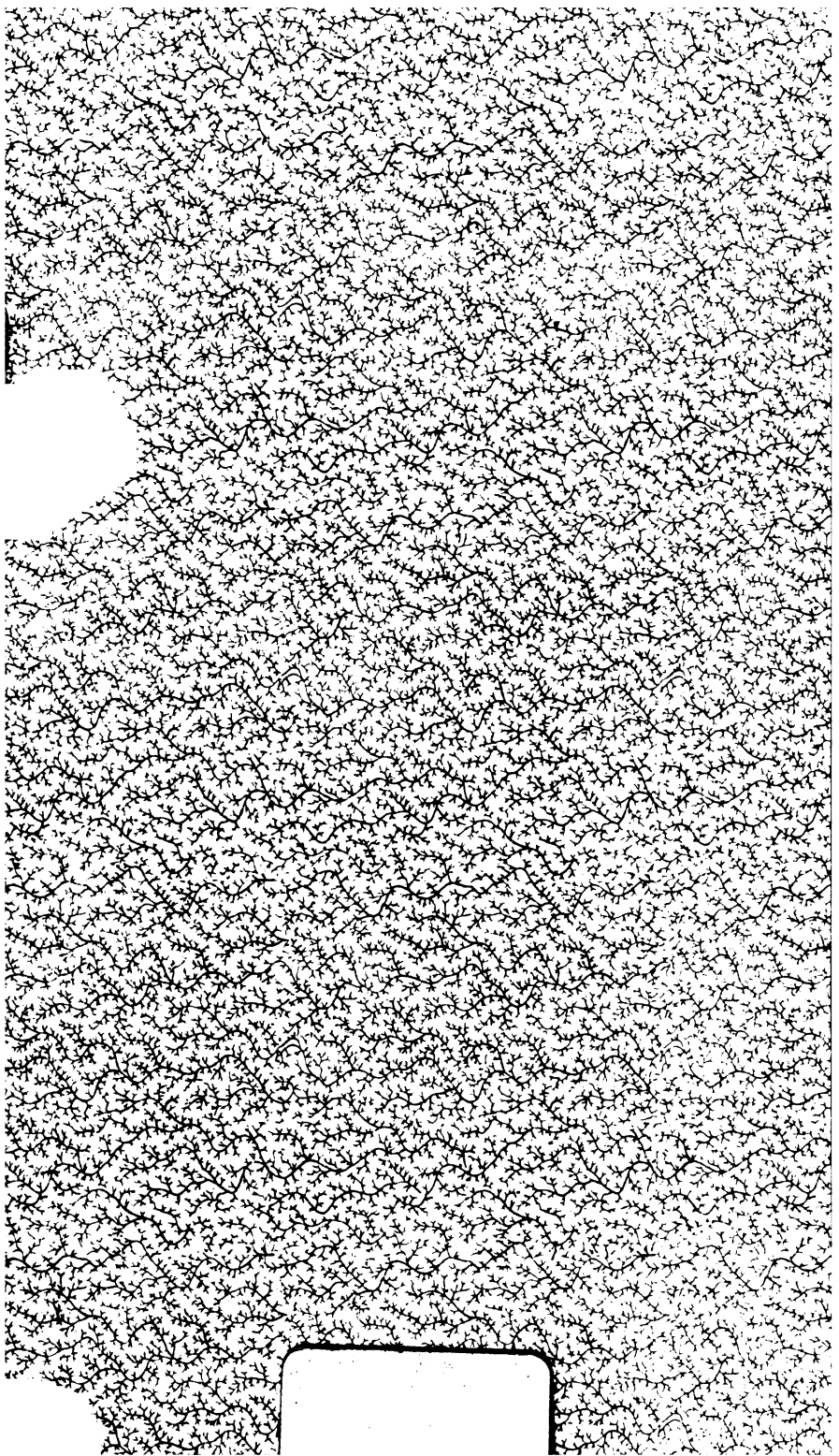
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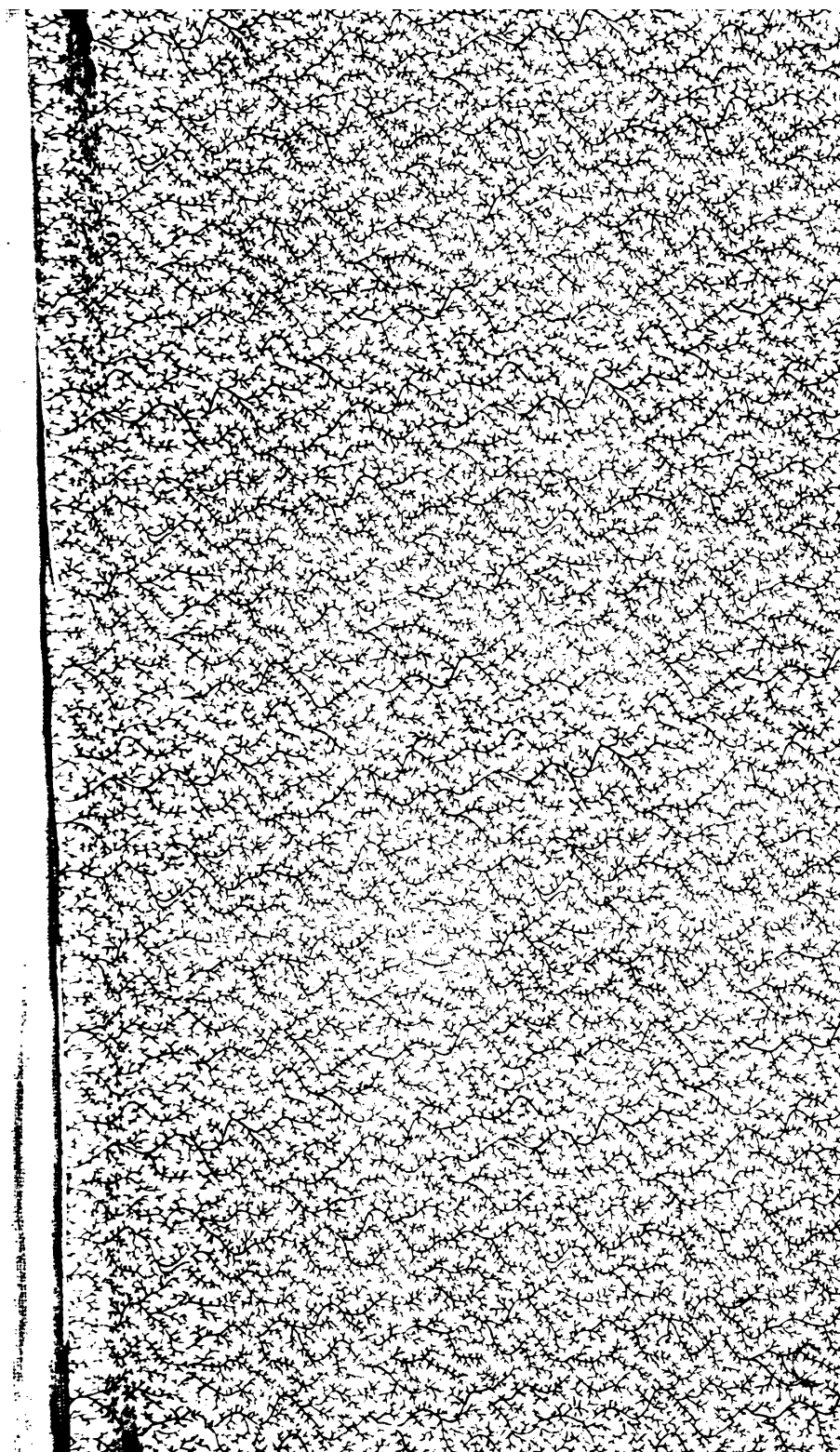
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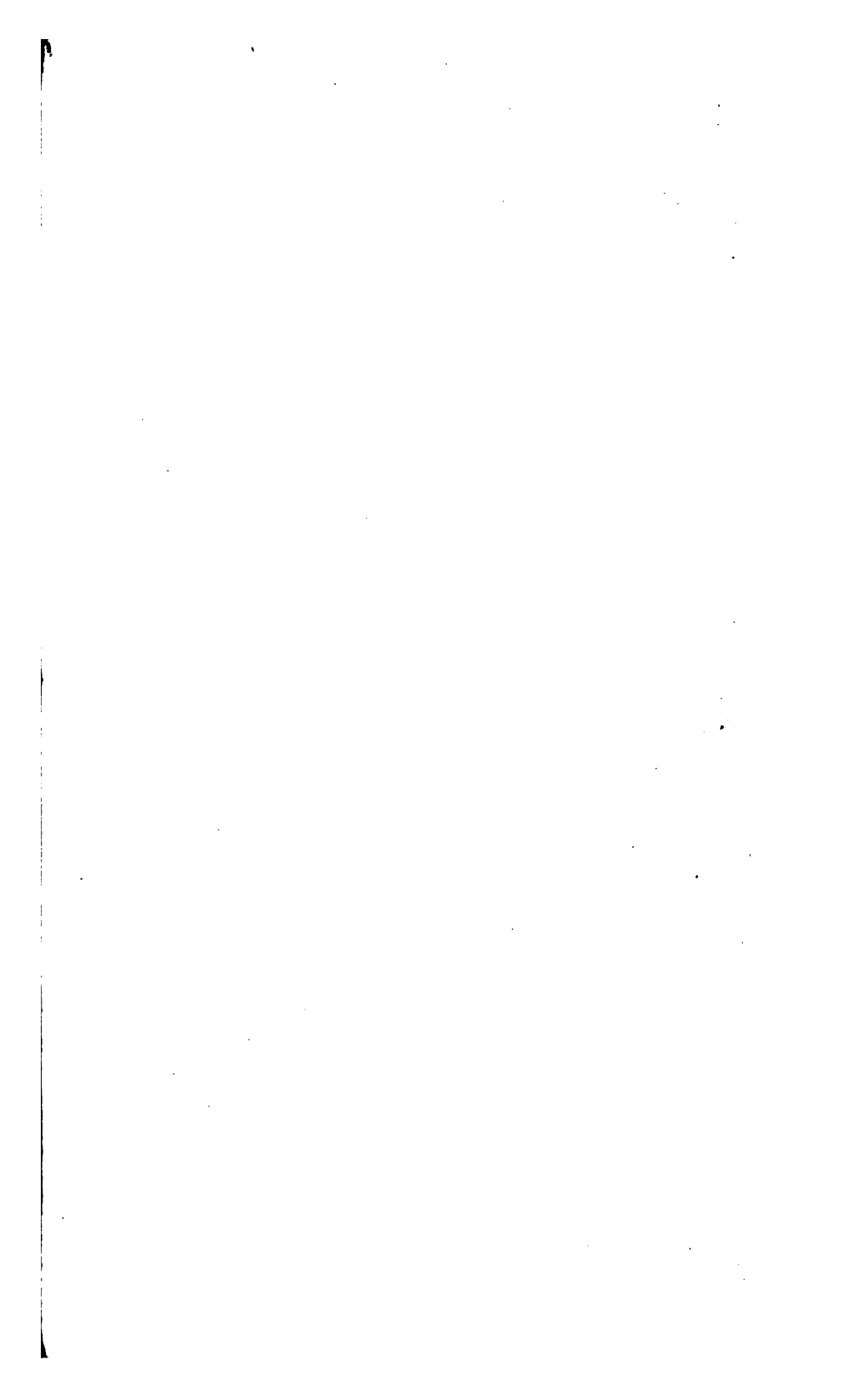
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A

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

BY JOHN LINGARD, D.D.

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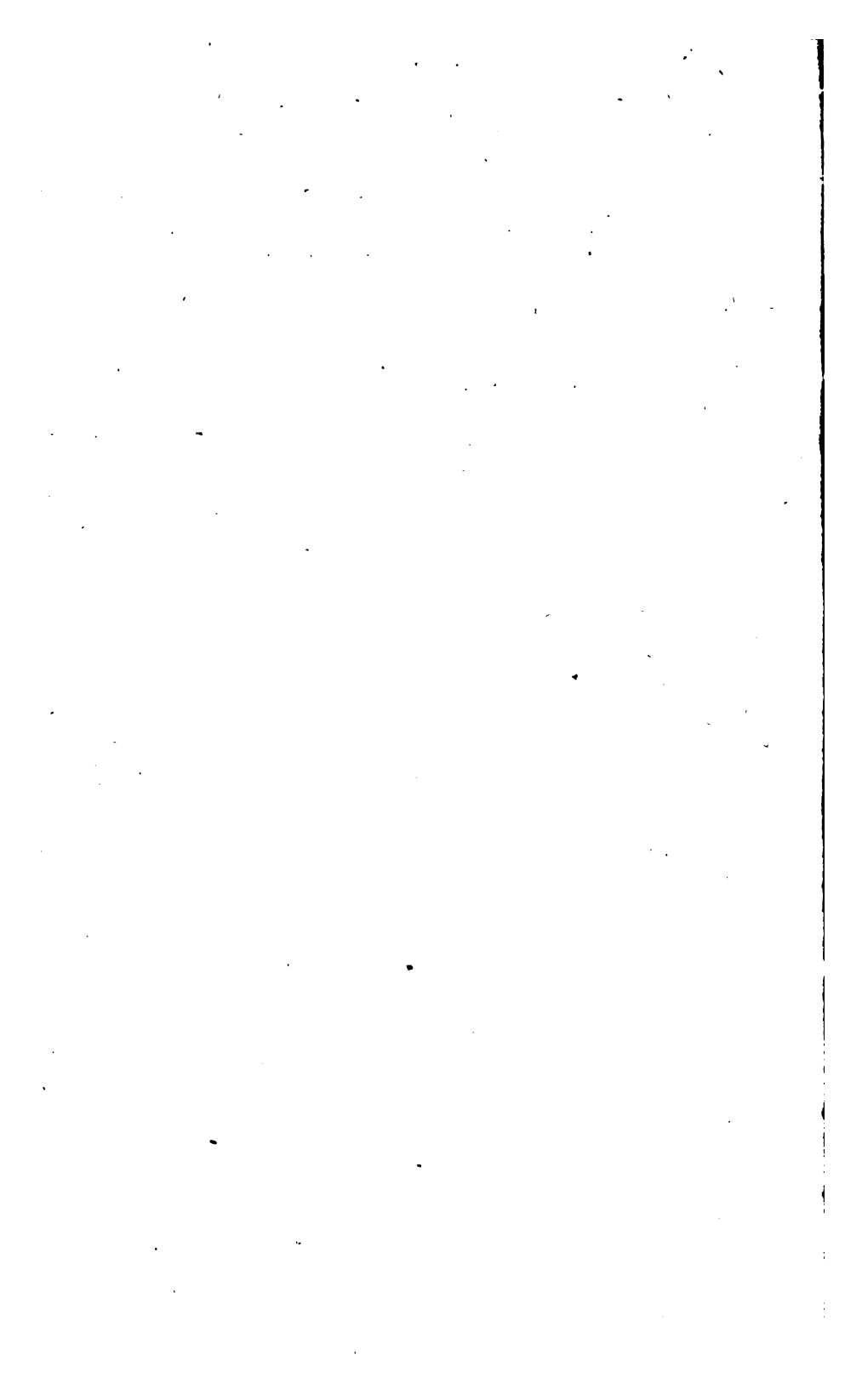
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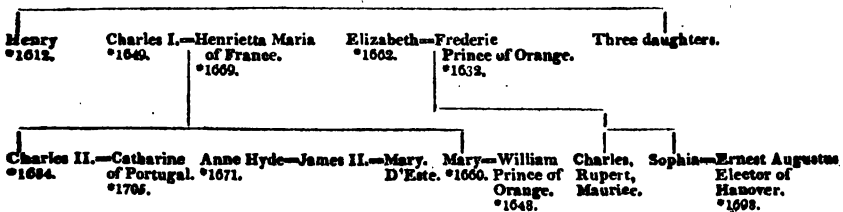
ENGLAND.

CHAP. I.

JAMES I.

GENEALOGICAL TABLE.

James I. — Anne of Denmark.
*1626. *1619.



CONTEMPORARY PRINCES.

Emperors.		Kings of France.		Kings of Spain.		Popes.	
Rodolph	1612.	Henry IV.	1610.	Philip III.		Clement VIII.	1605.
Matthias	1619.	Louis XIII.		Philip IV.		Leo. XI.	1605.
Ferdinand II.						Paul V.	1621.
						Gregory XV.	

ARRIVAL OF JAMES IN ENGLAND—EMBASSIES FROM FOREIGN COURTS—CONSPIRACY—CONFERENCE AT HAMPTON COURT—PROCEEDINGS IN PARLIAMENT—IN CONVOCATION—SEVERITIES AGAINST THE CATHOLICS—ORIGIN AND PROGRESS OF THE GUN-POWDER PLOT—ITS FAILURE AND THE FATE OF THE CONSPIRATORS—TRIAL AND EXECUTION OF GARNET—MEETING OF PARLIAMENT—NEW PENAL LAWS—CONTROVERSY RESPECTING THE OATH OF ALLEGIANCE.

THE narrow and selfish policy of the late queen had left the succession to the crown in suspense and uncertainty.

James VI. of Scotland was by descent the next heir: but the exclusion of the Scottish line in the will of Henry VIII. had thrown some doubt on his right; and it was generally believed that his pretensions would meet with opposition from the fears of the noblemen, whose hands had been stained with the blood of his unfortunate mother, from the jealousy of the churchmen, who must fear the accession of a prince educated in the principles of Calvin, and from the intrigues of the catholics, whose interest it was to seek relief from the penal laws by supporting a catholic successor. For years the public mind had been agitated with predictions of the fearful consequences to be apprehended on the death of Elizabeth: predictions which the event proved to have been no better than the dreams of timid or designing politicians. Not a voice was raised in favour of any other claimant. The supposed enemies of James had long ago made their peace with their future sovereign: the clergy gave credit to his assurances, that he loathed a form of religion which led to the depression, if not the extinction, of the royal authority;* and the catholics, flattered by the reports of their agents, hailed with joy the succession of a prince who was said to have promised the toleration of their worship, in return for the attachment which they had so often displayed for the house of Stuart.

The moment that Elizabeth's malady assumed an alarming appearance, Cecil had been careful to place in safe custody the lady Arabella, the only individual within the kingdom whose claim could be put in competition with that of James.† As the danger of the queen increased, he summoned all the noblemen of his party to repair in haste to the capital; and early on the morning of her death, before the event was publicly known, met them in council with his colleagues from Richmond.‡ Not a mo-

* It was probably to encourage this belief, that his work entitled *Basilicon Doron*, which he had completed in 1599, was now printed. It was so universally read, that it went through three editions in the course of the year 1603.

† Arabella had become an object of greater suspicion, because it was rumoured that she intended to marry a younger son of the earl of Hertford, whose mother, Catharine Gray, was the eldest claimant of the house of Sussex. "I heare some have an intention to match the earle of Hartfordes younger sonne with Arbella, and to carry it that way." July 21, 1602. "I have understood by credible meanes, that some great personages heare (therle of Hertfordes younger sonnes wife beyng lately dead) proposed a marriage betweene hym and Arbella." Aug. 25, 1603. MS. letters of Anthony Rivers in my possession.

‡ Strype, iv. 370. Rymer, xvi. 493.

ment was lost. With the secretary at their head they proceeded to Whitehall, and to the Cross in Cheapside; at both places the king of Scots was proclaimed by the voice of Cecil himself, and the citizens, by their acclamations, bonfires, and the ringing of bells, testified their satisfaction at the accession of the new monarch.

1603.

March 24.

James, who was in his thirty-seventh year, received the intelligence with transports of joy. He had long been weary of a throne, on which his darling propensities were continually checked by the want of money; and his high notions of the royal dignity were combated by the levelling principles of the clergy, and the factious spirit of the nobles. He lost not a moment to take possession of his new inheritance; visions of wealth and power and enjoyment floated before his imagination; and his expectations were confirmed during his progress, by the cheers of the multitudes who assembled to greet their sovereign, and by the sumptuous entertainments which he received in the houses of the nobility and gentry. To his Scottish followers he remarked with exultation, that they had at last arrived in the land of promise.

He enters
England.

April 6.

But, as he proceeded, the enthusiasm of the English began to cool. The gait of the new monarch was ungraceful, his countenance repulsive. A tongue, apparently too bulky for the mouth which contained it, eyes that rolled their large and vacant orbits on the surrounding objects, and a scanty beard scarcely indicative of manhood, were not calculated to inspire awe, nor to beget affection: and the king's unwillingness to be seen by the crowds that came to meet him, the haste with which he ordered an offender to be executed without trial or defence, and the partiality which he betrayed on all occasions for his own countrymen, provoked from some, expressions of dislike, and awakened in others, the fear of a despotic and unpopular reign.*

His popularity
decreases.

April 21.

In many his marked antipathy to his predecessor excited the most painful emotions. So keenly did he feel the injuries, which she had inflicted on his mother and himself, that he could not bear the mention of her name without showing signs of uneasiness and displeasure.† Of her talents he affected to speak with disparagement, of her morals with reproach. It

* See Somers, ii. 147. Stow, 821.

† When the French ambassador had ordered his suite to dress in mourning for Elizabeth, it was considered by James as an insult, and he was compelled to revoke the order. Sully's Memoirs, l. xiv. xv.

might have been expected that he should honour her funeral with his presence: but he was spared this mortification by an order of the council, that the body of the late queen should be interred before the arrival of her successor. The absence of the king was, however, supplied by the voluntary attendance of fifteen hundred persons in deep mourning, who, in testimony of their respect for the memory of Elizabeth, followed her remains to Westminster Abbey, where they were deposited in the chapel of Henry VII.*

April 28.

From Edinburgh James had invited the earl of Southampton, still a prisoner in the Tower, to meet his friend and sovereign at York. This act of kindness to the associate of Essex alarmed all those who had been instrumental in the death of that nobleman. They were now divided into two factions, mortal enemies to each other; the secretary with his colleagues of the council, and the earl of Northumberland with lord Gray, lord Cobham, and sir Walter Raleigh. All hastened to meet the king, displaying their past, and tendering their future services. But James had already made his election. If the secretary had more deeply offended, he was yet the more likely to prove useful. Him he confirmed in office; a share of the royal favour was also promised to Northumberland; but Cobham and Gray were left to complain of ingratitude and neglect; and Raleigh lost not only the honourable post of captain of the guard, but the more valuable office of warden of the stanneries.†

James had accepted the invitation of Cecil to spend a few days at his house of Theobalds. There the secretary employed every art to ingratiate himself with the new sovereign. He not only studied the royal humours and partialities, he also condescended to purchase the friendship of the Scottish favourites. When the council was formed, by his advice, or at least with his approbation, six Scotsmen were admitted, the duke of Lenox, the earl of Marr, the Lord Hume, sir George Hume, Bruce of Kinloss, and secretary Elphinstone: but, at the same time, to balance the account between the nations, six English noblemen, the earls of Northumberland and Cumberland, the

* James, however, had previously declared to the council, that he would attend, if they deemed it proper for the honour of the queen. Ellis, Original Letters, &c. iii. 65.

† He still retained the government of Jersey, and, as some compensation, obtained a remission of the rent of 300*l.* per annum, which he had contracted to pay out of the income. Ellis, Original Letters, iii. 82.

lords Henry and Thomas Howard, and the barons Zouch and Burrough, received the same honour.*

As the king entered London, proclamation was made to suspend all grants of licenses and monopolies, till they had been examined by the council; to revoke all royal protections for the purpose of delay in the courts of law; and to prohibit the abuses of purveyors, of the makers of saltpetre, and of the officers of the household. Honours were afterwards bestowed with a most lavish hand. The earl of Southampton and the young earl of Essex recovered their titles and estates; Mountjoy and three of the Howards were raised to the rank of earl; nine new barons were created, among whom was Cecil the secretary; and in the course of three months the honour of knighthood was conferred on seven hundred individuals. This profusion provoked murmurs: and a pasquinade was seen fixed on the door of St. Paul's, offering to teach weak memories the art of recollecting the titles of the new nobility.†

Distribu-
tion of
honours.
May 7.

The accession of the Scottish prince was calculated to produce an important change in the political relations of England. He felt nothing of that animosity against the king of Spain, which had so long festered in the breast of his predecessor; nor did he know how to reconcile with his high notions of the royal authority the wisdom of lending aid to men in arms against their legitimate sovereign. Aware of his disposition, the states of Holland sent to him a splendid and honourable embassy, at the head of which was Frederic prince of Nassau, aided by the sagacity and experience of three able statesmen, Valck, Barnevelt, and Brederode. But James stood on his guard against their entreaties and flattery; he invented pretexts to elude every demand of an audience; and over his cups he hesitated not to brand the deputies and their masters with the ignominious designation of traitors. On the other hand, the conduct of the archduke gave him the highest pleasure. That prince, in compliment to the king, discharged all his English prisoners, as the subjects of a friendly monarch, and then solicited and obtained permission to send an ambassador to the English court. For this office he chose one of the first noblemen in

Embassies.

From Hol-
land.

From the
archduke.

* See Stow for the king's progress from Edinburgh to Theobalds, 816—822.

† Stow, 824—827. See a catalogue of the monopolies in Lodge, iii. 159—162.

June 6. his dominions, the count of Aremberg. Aremberg, however, came, not to negotiate, but to protract the time, till instructions could be obtained from Spain; he employed the interval in studying the temper of the court, and in purchasing by presents an interest in the council.

From the king of France. Two days after Aremberg landed a rival statesman, the celebrated Rhosny, better known as duke of Sully.* The king of France had hitherto aided the Hollanders in conjunction with the

queen of England: the succession of the new monarch taught him to fear that the whole of the burthen would devolve upon himself, or that the Spanish king would recover the dominion of the revolted provinces. Under this impression Rhosny was despatched to oppose the intrigues of Aremberg: by the distribution of presents to the amount of sixty thousand crowns, he secured the favour of the queen and of the courtiers; and the elegance of his manners, the delicacy of his flattery, and his insinuating eloquence, soon gave him a complete control over the mind of James. He taught the king to mistrust the fidelity of his own counsellors. Cecil was openly charged with duplicity; and the royal signature was subscribed to a treaty drawn up by the Frenchman. It

June 25. bound the kings of England and France to aid the states by secret advances of money; and if Philip should resent such practices, to join in

July 1. open hostilities against that monarch. The ambassador departed exulting in the success of his mission; it soon appeared that his influence depended on his presence. The treaty was indeed ratified; but it did not divert the king from the pursuit of his great object, peace with all the nations of Christendom.†

Politics of the Spanish court. While the French court negotiated in England, the Spanish cabinet, with its characteristic slowness, consumed the time at home in endless consultations. To solicit a peace from the new king appeared to Philip equivalent to a confession of weakness: to continue the war was to remove every probability of

* Rhosny embarked with his suite on board two vessels offered by the English vice-admiral: and on his passage he was met by the French vice-admiral bearing his flag on his main-top-gallant-mast. The English immediately poured a broadside into the French ship, and would have repeated it, had not the flag been taken down at the instance of the ambassador. The bearing of the flag was the cause of offence. Sully's Memoirs, l. xiv.

† Sully's Memoirs, l. xiv. xv. xvi. Some of the presents were continued annually as pensions. Id. l. xvi. Lodge, iii. 166.

reducing his revolted subjects. During this struggle between pride and interest, two Englishmen arrived at Madrid, the envoys of that expiring faction which has been called the Spanish party among the English catholics. In the preceding year Thomas Winter, as its representative, had arranged with the ministers of Philip a plan for the invasion of England. The death of Elizabeth disconcerted the project. The catholics almost unanimously supported the right of James; and Garnet had thought it prudent to burn the breves in favour of a catholic successor. Still a few discontented individuals remained: and Wright was despatched from England, Fawkes from Flanders, to discover the real disposition of the Spanish council. The duke of Lerma thanked them for their offers, and assured them of the gratitude of his sovereign: but added that Philip had no cause of hostility against James: he looked on the king as his friend and ally; and had appointed the Conde de Villa Mediana his ambassador to the English court.*

At this moment, when the enmity between the two crowns seemed on the point of expiring, it was in some measure revived by the detection of a dark and unintelligible conspiracy in England. The earl of Northumberland was sensible that he held the royal favour by a very precarious tenure, as long as his adversary Cecil possessed the first place in the cabinet, and his associates Cobham and Raleigh, disgraced by the king, shunned by the courtiers, gradually abandoned themselves to the suggestions of revenge and despair. At first all three attempted to intrigue with the French council. They transmitted their offers through La Fontaine, and applied personally to Beaumont, the resident, and Rhosny, the extraordinary ambassador. But no countenance was given to the overture: Henry wisely preferred the docility with which James listened to his envoys, before the wild and impracticable schemes of three discontented courtiers. Here Northumberland had the prudence to desist. The other two persevered in this dangerous course, and made proposals to AreMBERG, the ambassador of the archduke, who, ignorant of the sentiments of the king of Spain, consulted the court of Brussels, and was ordered to encourage the correspondence. It appears that the great aim of Raleigh (Cobham acted only as

Conspiracy
in Eng-
land.

* See statute 3 James I. c. 2. Gunpowder Treason, 92—94. 162. The substance of this charge is acknowledged by Garnet and his advocates, though they object to many particulars. Gunpowder treason, 186, 187. Eudæmon Joannes, 295. 306—310.

his tool) was to obtain a large sum of money. What might have been his ulterior object is only matter of conjecture. That he would not employ it to further the designs of the Spanish cabinet, may be safely believed: perhaps it would have been spent in forming a party to remove Cecil and his friends from the council; perhaps, if it were necessary, to support (so it was said at the trial) the claim of Arabella Stuart against that of James.*

"The Bye." This, in the language of the initiated, was termed "the main;" "the bye," a subordinate and equally mysterious plot, was under the direction of Sir Griffin Markham and of George Brooke, the brother of lord Cobham. Discontent made them conspirators, and the successful attempt of the Scottish lords on a former occasion, suggested to them the forcible seizure of the royal person. With the king in their possession, they would be able to remodel the government, to wreak their vengeance on their enemies, Cecil and sir George Hume, and to secure to themselves and their friends the principal offices in the state. It was not, however, pretended, that with the conduct of this plot Cobham and Raleigh had any concern. They were satisfied to know of its existence, and cherished a hope that, "if one sped not, the other might."†

But how were Markham and Brooke, men without money or influence, to accomplish their purpose? They sought for co-operators among the puritans and the catholics; who though enemies to each other, were equally dissatisfied with the penal code which oppressed them, and might easily be led to approve of an enterprise, which had for its object religious toleration.

Among the catholics they connected themselves with the missionary Watson, who, during the late reign, had been distinguished by his opposition to the Spanish party. To James he had rendered the most important services, but in return had been treated by the monarch with neglect and ingrati-

* I have not been able to consult the despatches of Beaumont, but Carte assures us that in those of October 20th and December 6th, he informed the king of France that he was fully convinced of the guilt of Cobham and Raleigh, both of his own knowledge, and from two intercepted letters of the ambassador, which he had perused.—Carte, iii. 271.

† Cecil's letter to Parry apud Cayley, *Life of Raleigh*, ii. 8. In it he expressly attributes the conspiracy to Markham and Brooke: and adds, as was afterwards inserted in the indictment of the conspirators, that it was intended to make Watson lord chancellor, Brooke lord treasurer, Markham secretary, and Gray earl marshal. The absurdity of the thing is its own refutation.

tude.* Whether he really sought to further the object of the conspirators, or to make their efforts subservient to his own plans, may perhaps be doubted: but he called together his confidential friends, and began by administering an oath which bound them to watch over the safety of the king, to procure the advancement of their religion, and to keep their association a secret both from the knowledge of the government, and of their adversaries of the Spanish faction. He next proposed a resolution that they should assemble in a numerous body, should throw themselves on their knees before the king, as he went out to hunt, and representing the services which they had done at his accession, should beg in return the toleration of their religion. More than this was not divulged openly: to a few he disclosed his mind more freely. The puritans, he told them, had formed a plan to obtain possession of the royal person. It was therefore his plan, that they should meet in the neighbourhood under the pretence of presenting a petition; should improve the opportunity to liberate the sovereign from his captors, should conduct him to a place of security, and there solicit from him liberty of conscience. James could never refuse so small a boon to the liberators of his person.†

Among the puritans they applied to lord Gray, a young nobleman of enthusiastic zeal and determined courage. He thought his merit overlooked by the king: his enemy, Southampton, was established in the royal favour; and his brethren in religion loudly complained of penalties and disabilities. On these accounts he entered with cheerfulness

* Watson had written in favour of James against the pretensions of the infanta; and before the death of Elizabeth he repaired to Scotland, where he received the most cheering promises from the king. On his return he laboured among his catholic brethren to support the succession of the Scottish monarch: but finding afterwards that James granted no toleration, and even exacted the fine of £20 per lunar month from recusants, he waited on the king, and reminded him in vain of his former promises. On his leaving the royal presence, James observed to one of his attendants, "that since protestants had so generally received and proclaimed him king, he had now no need of papists." This was the origin of Watson's discontent. See Copley's voluntary declaration of the 14th of July, in the state paper office.

† See the same, and sir Edward Parham's examination of September 1, and that of Bartholomew Brookesby, of September 14, in the same office. Also their speeches at their trials. Copley pretends that to his confidants Watson occasionally betrayed more criminal designs: but too much credit ought not to be given to the man who accuses another that he may be spared himself. I shall add the extract from his confession in Appendix, note (A).

into the plot, and promised to bring to the surprise one hundred men on horseback.

The conspirators had originally intended to effect their purpose at Greenwich during the darkness of the night: but when it was considered that three hundred armed gentlemen lay within the palace, they preferred to make the attempt at Hanworth, where James, in his hunting parties, was accustomed to call for refreshment at the house of a private gentleman. But when the appointed day, the 24th of June, approached, the lord Gray, to the surprise of his associates, proposed to defer the enterprise for some months. He was in reality jealous of the reported number of the catholics, and hoped to strengthen his own party in the interval, under the

June 24. pretext of collecting forces for the service of the states. Within a day or two Watson and his friends arrived. They were, however, few and without followers: the leaders saw that their force was unequal to their object; much altercation ensued; and the design was at last abandoned as impracticable.*

Apprehensions of the conspirators. This determination disappointed the secretary and his colleagues, who, aware of the conspiracy, sought not to interrupt it before the day of the intended attempt. It had been some time before discovered by Watson's adversaries of the Spanish party, and was denounced by them to the council through the agency of Mr. John Gage, and of father Gerard, a jesuit missionary. In a few days Copley, one of the conspirators, was apprehended; and his confession led to the incarceration of all his accomplices engaged in "the bye." Cecil, however, speaking

July 2. probably from secret information, contended that *they* were only inferior agents; the real leaders were yet to be discovered. At his suggestion the earl of Northumberland and sir Walter Raleigh were summoned before the council; their answers gave satisfaction, and they were discharged. Still the anxiety of Raleigh induced him to warn Cobham of his danger: the letter was intercepted; a second examination followed; and Raleigh was compelled to acknowledge that Cobham had held several private conferences with Aremberg. When this admission was communicated to the latter, thinking himself betrayed, he exclaimed with warmth, that whatever he had done, was done at the instigation of Raleigh.

May 20. Thus each accused the other, and both were committed to the Tower.†

* Copley's confession, *ibid.*

† Howell's State Trials, ii. 9. 11, 12.

Raleigh was now fully aware of his danger. He knew the power of his enemies in the cabinet, and, as he expresses it, the cruelty of the law of England, which in trials for treason made it difficult for the most innocent to escape conviction. One afternoon, while the lords of the council were employed in the tower, he made an attempt, probably a feigned attempt, to commit suicide by stabbing himself under the right breast. By his opponents this desperate act was attributed to consciousness of guilt: by himself, to the persuasion that he was doomed to fall a victim to the arts and malice of the secretary. Cecil gave too much countenance to the charge, by his indecent triumph over an unfortunate and prostrate enemy.*

July 27.

The apprehension of the conspirators was followed by the king's coronation. He had long ago appointed for this purpose his saint's day, the festival of St. James; and though a dangerous mortality raged in the city, he would not allow of any postponement. This haste was imputed to the alarm excited in his mind by the doctrine of Watson, that, since the succession had not been settled by act of parliament, James could not, till his coronation, be considered as the actual possessor, but only as claimant of the regal dignity. The ceremony was hastily performed by the archbishop of Canterbury, without the usual parade, in the presence of those only who had been summoned to attend.†

King's coronation.

July 25.

From Westminster the king fled into the country; but the infection pursued him wherever he went: and for several months the judges with their suitors followed the sudden and uncertain migrations of the court. To this was attributed the long delay in bringing the conspirators to trial; but there was another and more secret cause—the presence of Artemberg, who was deeply implicated in that part of the plot denominated “the main.” Soon after his departure, the commoners accused of participating in “the bye” were arraigned in the castle of Winchester.

Trials.

Nov. 15.

Their confessions, in which they had been careful to accuse not only themselves, but also each other, furnished the proofs of their guilt: and one only, sir Edward Parham, was acquitted, who pleaded that a design to rescue the king from the hands of those who might detain him in captivity, could not in justice be considered as treason.‡

* Cayley, ii. 8.

† See the proclamations to prevent attendance, in Rymer, xvi. 521. 52

‡ Howell's State Trials, ii. 61.

Of Raleigh. The conviction of Raleigh offered a more serious difficulty. He had made no confession; and the real evidence of his guilt, certain intercepted letters between Aremberg and the ministers of the Archduke, could not with decency be made public. There remained only one mean of connecting him with the conspiracy, the declaration of Cobham. But if Cobham had at first in his passion accused him, he afterwards retracted the accusation; and his subsequent depositions were so wavering and contradictory, that they appeared to be suggested by hope or terror, without any attention to truth. Aware of the weakness of his case, the attorney-general, sir Edward Coke, had recourse to invective and abuse;* but Raleigh controlled his feelings; and replied with a moderation which placed in a stronger light the indecorous and violent conduct of his adversary. He demanded that Cobham should be confronted with him; he appealed to the statute law, and to the law of God, which required two witnesses; he even offered to abandon his defence, if his accuser would dare to assert in his presence that he had ever advised any dealing whatever with the Spanish monarch. But he was told that the statutes which he cited were not in force; that the law would not allow an accusing accomplice to be brought into court, lest he might take the opportunity to give false evidence for his friend; and that the trial of treason was as satisfactory by jury and written depositions, as by jury and witnesses. The prisoner then drew from his pocket a letter, in which Cobham declared "for the discharge of his own conscience, and the freeing himself from blood, that he never practised with Spain through the procurement of Raleigh;" but to this his last resource, the attorney-general opposed another declaration signed by the same man on the preceding evening, that every charge which he had previously made against Raleigh, was founded in truth. The jury, instead of concluding that such evidence was unworthy of credit, returned, though with visible reluctance, a verdict of guilty. By the great mass of the spectators it was received with disapprobation. They had at first looked upon the prisoner with abhorrence, as a base and revengeful traitor, but his defence made so favourable an impression, that many pronounced him innocent; most acknowledged that he had been condemned without legal or sufficient proof.

* He called Raleigh a damnable atheist, a spider of hell, the most vile and execrable of traitors. *Raleigh*.—You speak indiscreetly, barbarously, and uncivilly. *Coke*.—I want words sufficient to express thy viperous treasons. *Raleigh*.—You want words, indeed, for you have spoken the one thing half a dozen times. *State Trials*, ii. 26.

Cobham and Gray were arraigned before their peers. The shuffling and meanness of the one opposed a striking contrast to the spirit and eloquence of the other. Cobham appeared unworthy of the pardon which he claimed as the reward of his confession: Gray won the esteem of the very judges by whom he was condemned.

Of Cobham
and Gray.

The two priests were the first who suffered. For them no one ventured to solicit the royal mercy: it was even whispered that James had no objection to rid himself of Watson, as one of the individuals whom he had formerly authorized to promise toleration to the catholics. The day before his execution, the earl of Northampton visited him in prison, and as he afterwards asserted, obtained from him an avowal that no such promise had been made. At the gallows Watson abstained from any allusion to the subject; but, in common with his fellow sufferer, hinted a suspicion that he owed his fate as much to his priesthood as to his offence. Both were embowelled alive.*

Executions.

Of the lay conspirators Brooke alone was executed. With respect to the others, James resolved to surprise his subjects with a specimen of that kingcraft, in which he deemed himself so complete a master. At court several of the lords had interceded in their favour: their enemies called aloud for punishment; and Galloway, the minister from Perth, "preached so hotly against remissness and moderation of justice, as if it were one of the seven deadly sins." The king, if he rejected the prayer of the one, equally checked the presumption of the other.—Confining his secret within his own breast, he signed on Wednesday the warrants for the execution of Markham, Gray, and Cobham; and the next day despatched a private letter to Tichbourne, the sheriff, by Gibb, a messenger who had just arrived from Scotland, and was consequently unknown. On the morning of Friday, Markham

Pardon of
Cobham,
Gray, and
Markham.

Dec. 7.

Dec. 8.

Dec. 9.

* See the speeches of Northampton at the trials of the gunpowder conspirators, and of Garnet. Watson at the gallows, alluding to the former disputes between himself and the jesuits, said, "he forgave and desired to be forgiven of all; namely, that the jesuits would forgive him, if he had written over-eagerly against them: saying also that it was occasioned by them, whom he forgave if they had cunningly and covertly drawn him into the action for which he suffered." Stow, 831. Indeed so great was the hostility between the parties, that Copley in his MS. confession chiefly laments "the occasion of triumph which their failure would give the jesuits, knowing how much they were their enemies."

was led forth to suffer. He complained that he had been deluded with false promises of life: but though surprised he was not dismayed; and when a napkin was offered him, he refused it, saying, that he was still able "to look death in the face without blushing." While he made himself ready for the block, the sheriff was withdrawn by Gibb, and, at his return addressing Markham, told him that, as he was not sufficiently prepared, he should have two hours more for private devotion. As soon as Markham was locked up, Gray made his appearance, preceded by a crowd of young gentlemen, and supported on each side by two of his dearest friends. The minister who attended him prayed aloud: Gray followed with a firm voice, affected language, and a delivery expressive of the most fervent piety. He then arose, confessed his guilt, and, falling again on his knees, prayed a full half hour for the king and the royal family. The moment he stopped, the sheriff informed him that he must leave the scaffold; that he had been brought forward by mistake, and that Cobham, according to the warrant, must die before him. His removal made place for that nobleman, who, to the surprise of both his friends and foes, showed nothing of the mean and abject spirit which he had betrayed at his trial. He ascended the ladder with a firm step; surveyed with an undaunted eye the implements of death; and, acknowledging his own guilt, affirmed on his salvation that of his associate Raleigh.

At this moment Markham and Gray separately mounted the scaffold; and each of the three, in the persuasion that his companions were already dead, stared on the other two with looks of the wildest astonishment. The crowd pressed forward in breathless suspense; and the sheriff in a loud voice explained the mystery, by a declaration that the king of his own gracious disposition had granted life to each of the convicts. They were conducted to different prisons, and Raleigh, whose execution had been fixed for the Monday, shared the royal mercy in common with his fellows. James reaped the full fruit of this device. The existence of the plot was proved by the confessions made on the scaffold; the guilt of Raleigh could no longer be doubted after the solemn asseveration of Cobham; and the royal ingenuity as well as clemency was universally applauded.*

* For these proceedings see the Hardwicke papers, i. 377—393. Lodge, iii. 215. Winwood, ii. 11. Howell's State Trials, ii. 65—70. Caley's Life of Raleigh, ii. 5—84. Stow, 828—832. Cecil tells us that the king's object was to see how far the lord Cobham at his death would make good his accusation. Markham, Copley, and Brokesby were banished for life: Gray expired in the Tower, after a captivity of eleven years: and Cobham, being

It is plain that this conspiracy, so heterogeneously composed and so easily defeated, offered but little ground of alarm: yet it taught the king to distrust more deeply the professions both of the puritans and the catholics. From the moment, when he crossed the Tweed, the two parties had never ceased to harass him with petitions for religious toleration. To the catholics he felt inclined to grant some partial indulgence. He owed it to their sufferings in the cause of his unfortunate mother: he had bound himself to it by promises to their envoys, and to the princes of their communion. But his secret wishes were opposed by the wisdom or prejudices of his advisers: and, if he were ashamed to violate his word, he was taught also to dread the offence of his protestant subjects. At last he compromised the matter in his own mind, by drawing a distinction between the worship and the persons of the petitioners. To every prayer for the exercise of that worship, he returned a prompt and indignant refusal; on more than one occasion he even committed to the Tower the individuals, who had presumed to offer such an insult to his orthodoxy. But he invited the catholics to frequent his court: he conferred on several the honour of knighthood; and he promised to shield them from the penalties of recusancy, as long as by their loyal and peaceable demeanor they should deserve the royal favour. This benefit, though it fell short of their expectations, they accepted with gratitude. By most it was cherished as a pledge of subsequent and more valuable concessions: and the pontiff Clement VIII. now that Elizabeth was no more, determined to cultivate the friendship of the new king. By two breves directed to the archpriest and the provincial of the jesuits, he strictly commanded the missionaries to confine themselves to their spiritual duties, and to discourage, by all the means in their power, every attempt to disturb the tranquillity of the realm. The intelligence that Watson and Clarke had been engaged in the late conspiracy, was received by him with regret. He ordered the nuncio at Paris to assure James of the abhorrence with which he viewed all acts of disloyalty; and he despatched a secret messenger to the English court with an offer to withdraw from the kingdom every missionary, who might be an object of suspicion to the council.*

King's conduct to the Catholics.

discharged from confinement, died in extreme poverty in 1619. With Raleigh the reader will meet again.

* "Paratissimum esse.....eos omnes e regno evocare, quos sua majestas rationabiliter judicaverit regno et statui suo noxios fore." From instructions given to Dr. Gifford, dean of Lisle, MS. penes me.

To the
puritans.

The puritans relied with equal confidence on the good will of the new monarch. He had been educated from his infancy in the Genevan theology; he had repeatedly expressed his gratitude to God "that he belonged to the purest kirk in the world;" and he had publicly declared, that, "as long as he should brook his life, he would maintain its principles." These may have been the sentiments of his more youthful years: but in proportion as the declining age of Elizabeth brought the English sceptre nearer to his grasp, he learned to prefer the submissive discipline of a church, which owned the sovereign for its head, to the independent forms of a republican kirk; and as soon as he saw himself possessed of the English crown, he openly avowed his belief that the hierarchy was the firmest support of the throne, and that, where there was no bishop, there would shortly be no king.*

Conference
at Hampton
Court.

The first petitions of the puritans were couched in submissive language: gradually they assumed a bolder tone, and demanded a thorough reformation both in the clergy and liturgy. James was irritated, perhaps alarmed: but he preferred conciliation to severity, and invited four of the leading ministers to a conference at Hampton court. On their first attendance they were not admitted. The king spent the day in private consultation with the bishops and his council. Before them he declared that he was a sincere convert to the church of England; and thanked God, who "had brought him to the promised land, to a country where religion was purely professed, and where he sat among grave, reverend, and learned men; not as before, elsewhere, a king without state, without honour, and without order, and braved to his face by beardless boys under the garb of ministers." Yet he knew that every thing on earth was subject to imperfection: and, as many complaints had been laid before the throne, he had called them together that they might beforehand determine, how far it would be prudent to concede to the demand of their adversaries. It was not the interest of the bishops to alienate the king by unreasonable opposition. They readily consented that in the book of common prayer, to prevent misapprehension, explanatory words should be added to the general absolution, and the form of confirmation: that the practice of the commissary courts should be

1604.
Jan. 14.

* Calderwood, 256. In his premonition to the apology for the oath of allegiance, he dates his conversion six years before his accession to the English throne. P. 45.

reformed by the chancellor and the chief justice; that excommunication should be no longer inflicted for trifling offences; and that the bishops should neither confer ordination, nor pronounce censures, without the assistance of some grave and learned ecclesiastics. The only subject of debate was private baptism. The king argued against it during three hours; but was at last satisfied with the concession, that it should be administered only by clergymen, to the exclusion of laics and especially of females.

On the second day of the conference the puritan ministers were admitted. They reduced their demands to four heads, purity of doctrine, a learned ministry, the reformation of the ecclesiastical courts, and the correction of the book of common prayer. The first three did not occasion much debate. But the lawfulness of the ceremonies, and the obligation of subscribing to the articles, were warmly contested. After the bishops of London and Winchester, and some of the deans, had spoken, James himself took up the argument, and displayed, even in the opinion of his adversaries, considerable ability. If he taunted them with the weakness of their reasoning, he reprimanded the prelates for the asperity of their language. Sometimes he enlivened the discussion by the playfulness of his wit, sometimes he treated with ease the most abstruse questions in theology. He did not, however, dissemble, that his determination was as much the result of political reasoning as of religious conviction. "If," he said, "you aim at a Scottish presbytery, it agreeth as well with monarchy as God with the devil. Then Jack, and Tom, and Will, and Dick, shall meet, and at their pleasure censure me and my council, and all our proceedings. Then Will shall stand up and say, it must be thus: then Dick shall reply, Nay, marry, but we will have it thus: and therefore here I must once more reiterate my former speech and say, *Le roy s'avisera*." In conclusion, all that the ministers could obtain was, that a national catechism should be framed, and a new translation of the scriptures be published; that the apocrypha, as read in the church, should be distinguished from the canonical scriptures; and that some doubtful expressions in the articles should be more clearly explained.

Jan. 16.

The morning of the third day was devoted to an inquiry into the abuses of the high commission court: and a resolution was taken to limit the number of the judges, and to select them exclusively from the higher classes in the state. The dissenting divines were then called in: the decision of the king was announced; and at their

Jan. 18.

request a certain interval was granted, during which the obligation of conformity should not be enforced.* Thus ended the conference; but it produced few of the effects expected from it. The prelates were not in haste to execute those reforms to which they had consented, more from the fear of exciting displeasure, than from any persuasion of their necessity. The puritans were dissatisfied with their divines, who had been selected without their concurrence, and had not displayed in the presence of the sovereign that bold and independent spirit, which became ministers of the gospel. They also complained, and not without reason, that James had acted not as a judge, but as a party; that he substituted authority for argument; and that he insisted on submission, when he should have produced conviction. But the king himself was gratified. Never before had the opportunity been given him of displaying his theological knowledge on so noble a theatre. In the presence of several distinguished divines, of the first dignitaries of the church, and of the lords of the council, he expounded the scriptures and the fathers, resolved the most knotty questions, and decided every doubt with infallible accuracy. His adversaries quailed before him: the prelates stood wrapt in transports of admiration: the primate exclaimed, that "his majesty spoke by the special assistance of God's spirit:" and the bishop of London protested that "his heart melted within him to hear a king, the like of whom had not been since the time of Christ."†

The king now met his first parliament with the most flattering anticipations; and opened the session with a gracious and eloquent speech from the throne. But, instead of the return which he expected, he found himself entangled in disputes, from which he could not extricate himself with satisfaction or credit. In

A parliament.

March 19.

* Compare Fuller, cent. xvi. l. ix. 7—24. Howell's State Trials, ii. 70—94, wit—Dr. Montague's letter in Winwood, ii. 13—16. It is plain that Barlow has greatly abridged, and often omitted the arguments of the non-conformists. The alterations in the book of common prayer were immediately made, and published by authority. Rym. xvi. 569, 574.

† Howell, ii. 86. 87. "The king talked much Latin, and disputed with Dr. Reynolds at Hampton; but he rather used upbraids than argument, and told the petitioners that they wanted to strip Christ again, and bid them away with their snivelling. . . . The bishops seemed much pleased, and said, his Majesty spoke by the power of inspiration. I wist not what they mean; but the spirit was rather foul mouthed." *Nugæ Antiquæ*, i. 181. But James seems to have thought differently. "I peppered them," says he, "as soundlie as ye have done the papists. . . . They fled me from argument to argument. I was forced at last to say unto them, that if any of their disciples had answered them in that sort they would have fetched him up in place of a reply, &c." Hearn's *Titus Livius*, 197.

the lower house a formidable party was marshalled against him, composed of the men who, about the close of the last reign, had dared to advocate the rights of the subject against the abuse of the prerogative. Their notions of civil liberty had been shocked by a recent proclamation,* in which James by his own authority pretended to lay down rules to be observed in the election of the members; and their religious feelings had been wounded by the unfavourable result of the conference at Hampton Court. Their numbers and talents gave them courage and importance: they had formerly wrung concessions from the despotism of Elizabeth: they doubted not to triumph over the pretensions and rhetoric of her Scottish successor. The speaker, in his first address to the king, was careful to inform him that "new laws could not be instituted, nor imperfect laws reformed, nor inconvenient laws abrogated by any other power than that of the high court of parliament, that is, by the agreement of the commons, the accord of the lords, and the assent of the sovereign: that to him belonged the right either negatively to frustrate, or affirmatively to ratify: but that he could not institute; every bill must pass the two houses before it could be submitted to his pleasure." Such doctrines were not very palatable to the monarch: but to detail at length the rise, and progress, and issue of the altercations which followed, would weary and exhaust the patience of the reader. James complained of their presumption: they attributed the complaint to ignorance or misinformation: he contended that the privileges of the house were matters of royal favour; they, that they were the birthright of Englishmen; he assigned the decision of contested elections to his court of chancery; they claimed it for themselves, as essential to the government of their own estate:† he upbraided them with the invasion of his preroga-

* See it Rymer, xvi. 561.

† Sir Francis Godwin had been chosen knight of the shire for the county of Buckingham: but the clerk of the crown had refused to receive the return on pretence that Godwin had been outlawed, and sir John Fortescue, a member of the council, was elected in virtue of a second writ. The commons voted that Godwin was duly elected; a vote which displeased both James, who by proclamation had forbidden the choice of outlaws, and the lords of the council, who maintained the election of Fortescue. But the commons were obstinate; they refused to confer on the subject with the lords, or to submit to the contrary decision of the judges. James at length ordered them to debate the question with the judges in his presence: they obeyed, and at his suggestion agreed to a compromise, that both elections should be declared void, and a new writ issued. The victory was in reality obtained by the commons. For the speaker, by order of the house, issued his warrant for the new writ, and they have continued

tive by making assarts, wardships, marriages, and purveyance the subjects of their debates; they repelled the charge by declaring, that their only object was to relieve the nation from an intolerable burthen, and to give to the crown more than an equivalent in annual revenue. These bickerings continued during a long and stormy session: and if the king, by his interest in the upper house, succeeded in averting every blow aimed by the puritans at the discipline of the church, he was yet unable to carry in the lower, any of the measures which he had contemplated, or to obtain a supply of money in addition to the accustomed vote of tonnage and poundage.* On one question only were all parties agreed. Fanaticism urged the puritans to persecute the catholics; and the hope of conciliation induced the friends of the crown to add their support. The oppressive and sanguinary code, framed in the reign of Elizabeth, was re-enacted to its full extent: it was even improved with additional severities. Every individual who had studied, or resided, or should afterwards study, or reside in any college or seminary beyond the sea, was rendered incapable of inheriting, or purchasing, or enjoying lands, annuities, chattels, debts, or sums of money within the realm: and, as missionaries sometimes eluded detection under the disguise of tutors, it was provided that no man should teach even the rudiments of grammar, in public or in private, without the previous approbation of the diocesan.†

Proceed-
ings of con-
vocation.

The convocation sat at the same time with the parliament: and the result of its deliberations was a code of ecclesiastical canons amounting to one hundred and forty-one. By them the sentence of excommunication ipso facto was pronounced, 1. against all persons who should deny the supremacy of the king, or the orthodoxy of the English church; 2. against all who might affirm that the book of common prayer was superstitious or unlawful, or that any one of the thirty-nine articles was in any part erroneous; or that the ordinal was repugnant to the word of God: and 3. against all those, who should separate from the church, or establish conventicles, or assert that ecclesiastical regulations might be made or imposed without the royal consent. Then followed the laws for the celebration of the divine worship, the administration of the sacraments, the duties and residence of incumbents, and the practice of the

ever since to exercise the right which they then claimed, of deciding on the merits of contested elections. *Journals of Commons*, 149. 151. 156. 158. 161, 162. 171.

* See the journals of the lords and commons for the session, *passim*.

† Stat. 1 James, c. 4.

ecclesiastical courts.* This new code was afterwards confirmed by letters patent under the great seal; but its authority was fiercely disputed both by the dissenters, and by the lay members of the establishment. It was contended that the clergy had no power to create offences, which should subject the delinquent to the civil punishment consequent on the sentence of excommunication: and in the next session of parliament a bill passed the commons, declaring that no canon or constitution ecclesiastical, made within the last ten years, or to be made thereafter, should be of force to impeach or hurt any person in his life, liberty, lands or goods, unless it were first confirmed by an act of the legislature. The bishops united in opposing this bill, as derogatory from the authority of the convocation, and of the king the head of the church. Several conferences took place between the two houses; but the parliament was dissolved before the third reading, and the decision of the question fell to the judges in Westminster Hall, who have often declared that, though the canons of 1604 bind the clergy by whom they were framed, they have no power to bind the people, as long as they want the approbation of the legislature.†

When the canons were published, Bancroft, who had lately succeeded Whitgift in the see of Canterbury, called on the officiating clergy to conform. The greater part submitted: the dissenters were silenced or deprived. The puritans, however, did not tamely yield to the storm. They assembled and consulted: they solicited the protection of the council, and of the favourites: they poured in petitions and remonstrances from every quarter. But James proved inexorable; and of the petitioners several were punished with the loss of office, or the erasure of their names from the commission of peace; others were called before the council, and admonished that their obstinacy in opposing a measure which had been finally determined, amounted to an offence little short of high treason. The distress of the ejected ministers and of their families, the imprisonment of a few, and the voluntary exile of several, have been feelingly deplored by the puritan writers, who describe this as the most violent of persecutions. But while they make the deprived clergy amount to three hundred individuals, their adversaries reduce the number to fifty, exaggerate the obstinacy and unreasonableness of the sufferers,

Persecution of the puritans.

* Wilkins, *Con.* iv. 380—405. 489. 584. 637.

† *Lords' Journals*, ii. 425; *Dalrymple's Memorials*, i. 22—25; *Somers's Tracts*, ii. 14.

and claim for the prelates the praise of moderation and forbearance. The representations of both are probably too highly coloured. It must have been, that on such an occasion many cases of individual hardship, perhaps some of unjustifiable rigour, would occur: yet it will remain a difficult task to show on what just ground men could expect to retain their livings, while they refused to submit to the doctrine, or to conform to the discipline of that church, by which they were employed.*

Of the
catholics.

Feb. 22.

The puritans in their discontent accused the king of papistry. He persecuted, they said, the disciples, while he favoured the enemies of the gospel. James hastened to rescue himself from the charge. Another proclamation was published, enjoining the banishment of all catholic missionaries; regulations were adopted for the discovery and presentment of recusants; and orders were sent to the magistrates to put the penal laws in immediate execution. He even deemed it expedient to deliver his sentiments in the star-chamber, to declare his detestation of popery, and to express his wish, that none of his children might succeed him, if they were ever to depart from the established church. These proceedings afforded some consolation. If one opening were closed, another was offered, to the exertions of the zealots. They were not indeed suffered to purge the church from the dregs of superstition, but they might still advance the glory of God, by hunting down the idolatrous papist.†

The execution of the penal laws enabled the king, by an ingenious comment, to derive considerable profit from his past forbearance. It was pretended that he had never forgiven the penalties of recusancy: he had merely forbidden them to be exacted for a time, in the hope that this indulgence would lead to conformity: his expectations had been deceived; the obstinacy of the catholics had grown with the lenity of the sovereign; and as they were unworthy of further favour, they should now be left to the severity of the law. To their dis-

* Neal, part ii. c. i.; Collier, ii. 687; Winwood, ii. 49.

† Before I proceed to the history of the gunpowder plot, I should inform the reader that I am indebted for many of the following particulars to two manuscript narratives in the hand-writing of their respective authors: the one in English, by father John Gerard; the other an Italian translation, but enriched with much additional information, by father Oswald Greenaway. Both were Jesuit missionaries, the familiar acquaintance of the conspirators, and on that account suspected by the government of having been privy to the plot. They evidently write with feelings of compassion for the fate of their former friends; but they disclose many important particulars, which must have been otherwise unknown.

may the legal fine of £20 per lunar month, was again demanded; and not only for the time to come, but for the whole period of the suspension: a demand which, by crowding thirteen payments into one, reduced many families of moderate incomes to a state of absolute beggary. Nor was this all. James was surrounded by numbers of his indigent countrymen. Their habits were expensive, their wants many, and their importunities incessant. To satisfy the more clamorous a new expedient was devised. The king transferred to them his claims on some of the more opulent recusants, against whom they were at liberty to proceed by law in his name, unless the sufferers should submit to compound by the grant of an annuity for life, or the immediate payment of a considerable sum. This was at a time, when the jealousies between the two nations had reached a height, of which at the present day we have but little conception. Had the money been carried to the royal coffers, the recusants would have had sufficient reason to complain: but that Englishmen should be placed by their king at the mercy of foreigners, that they should be stripped of their property to support the extravagance of his Scottish minions, this added indignity to injustice, exacerbated their already wounded feelings, and goaded the most moderate almost to desperation.*

Among the sufferers was Robert Catesby, descended from an ancient and opulent family, which had been settled during several generations at Ashby St. Legers, in Northamptonshire, and was also possessed of considerable property in the county of Warwick. His father, sir William Catesby, more than once had been imprisoned for recusancy: but the son, as soon as he became his own master, abandoned the ancient worship, indulged in all the licentiousness of youth, and impaired his fortune by

Catesby's
plot.

* I have several papers of the time, in which the writers complain in the bitterest terms of this usage. Several curious papers on the same subject at a later period of this reign, may be seen in Birch's *Life of Prince Henry*, p. 220, Append. 468—479. From the *Book of Free Gifts*, I find that James gave out of the goods of recusants, in his first year 150*l.* to sir Richard Person; in his third, 3000*l.* to John Gibb; in his fourth, 2000*l.* to John Murray, and 1500*l.* to sir James Sandilands; in his fifth, 2000*l.* to John Auchmontie, 3000*l.* to Martin and Abraham Hardaret, 200*l.* to John Potten; in his eleventh, 3000*l.* to Charles Chambers, 6000*l.* to the lord of Loreston, 2000*l.* to sir William Wade, 1000*l.* to sir Ralph Bowes, 1000*l.* to sir Richard Wigmore, 4000*l.* to sir James Simple and Thomas Lee, and 3000*l.* to sir Hugh Beeston. But the grantees of this year resigned their grants, and received one quarter of the original sums from the Exchequer. See Abstract of his Majesty's Revenue, London, 1651, pp. 17—30. I suspect, however, that these gifts were of a different nature from those mentioned in the text: they were determinate sums out of fines already levied.

his follies and extravagance. In 1598 he returned to the religion of his more early years: and from that moment, it became the chief subject of his thoughts to liberate himself and his brethren from the iron yoke under which they groaned. With this view, having previously stipulated for liberty of conscience, he joined, together with several of his friends, the earl of Essex; and in the ill-directed attempt of that nobleman, was wounded, taken, and committed to prison. He had, indeed, the good fortune to escape the block; but was compelled to purchase his liberty with the sum of three thousand pounds. After his discharge he attached himself, through the same motive, to the Spanish party among the catholics, and bore a considerable share in their intrigues to prevent the succession of the Scottish monarch. When these had proved fruitless, he acquiesced in the general opinion of his brethren, and cherished with them the pleasing hope of indulgence and toleration. But the delusion soon vanished: in every quarter it was easy to discern the gathering of the storm, which afterwards burst upon their heads: and Catesby, reverting to his original pursuit, revolved in his mind every possible means of relief. To succeed by insurrection he saw was hopeless: the catholics were the weaker party, and disunited among themselves; to look for sufficient aid from the princes abroad was equally visionary: the king of France, the king of Spain, and even the pontiff, all professed themselves the friends of James. At length there suggested itself to his mind a plan, which required not the help of foreigners, nor the co-operation of many associates, but a plan so atrocious in principle, and so sanguinary in execution, that it is difficult to conceive how it could be harboured in the mind of any human being: to blow up the parliament house with gunpowder, and to involve in one common destruction, the king, the lords, and the commons, all those who framed, with the chief of those who executed, the penal laws against the English catholics.*

The person to whom Catesby first opened his mind, was an intimate friend, Thomas, the younger brother of Robert Winter, of Huddington, in Worcestershire. In his youth he had served as a volunteer

His associ-
ate Winter.

* Persons, however, observes, that this was not the first gunpowder plot. "There be recounted in histories many attempts of the same kynde, and some also by protestants in our dayes: as that of them, who at Antwerp placed a whole barke of powder in the great street of that citty, where the Prince of Parma with his nobility was to passe: and that of him in the Hague, that would have blown up the whole counsell of Hollande, upon private revenge." Letter touching the New Oath of Allegiance, sect. i. v. apud Butler, Historical Memoirs, i. 266, first edition.

in the army of the states: afterwards he had been repeatedly employed at the court of Madrid, as agent of the Spanish party in England. Winter was struck with horror at the communication: he hesitated not to pronounce the project most wicked and inhuman. But Catesby attempted its justification. He sought not, he observed, any private revenge or personal emolument. His sole object was to suppress a most unjust and barbarous persecution by the only expedient which offered the prospect of success. There could be no doubt that it was lawful, since God had given to every man the right of repelling force by force. If his friend thought it cruel, let him compare it with the cruelties exercised during so many years against the catholics; let him reckon the numbers that had been butchered by the knife of the executioner; the hundreds who had perished in the solitude of their prisons; and the thousands that had been reduced from affluence or ease to a state of want or beggary. He would then be able to judge where the charge of cruelty could with justice be applied.*

This was at the time when Velasco, the constable of Castile, had arrived in Flanders, to conclude a peace between England and Spain. The two friends after a long discussion, resolved to postpone their direful purpose till they had solicited the mediation of the Spaniard with their sovereign. With this view Winter repaired to Bergen, near Dunkirk, where a private conference with the ambassador convinced him, that though he might speak in favour of the English catholics, he would make no sacrifice to purchase for them the benefit of toleration. From Bergen, Winter hastened to Ostend, where he met with Guy Fawkes, a native of Yorkshire, and a soldier of fortune. Fawkes had long served in the Netherlands, had borne an important command under sir Thomas Stanley, and had visited Madrid in company with Winter, as agent for the exiles of the Spanish party. His courage, fidelity, and military experience pointed him out as a valuable auxiliary. He consented to return with Winter to England, but was kept for some time in ignorance of the part which he was designed to act.†

Before their arrival, Catesby had communicated the plan to two others, Percy and Wright. Thomas Percy was a distant relation and steward to the earl of Northumberland. He had embraced the catholic

March.

April 22.

Other accomplices.

* Greenway's MS. p. 30.

† See Winter's confession in "The Gunpowder Treason, with a Discourse of the Manner of its Discovery, 1679," pp. 48--50; Greenway's MS. 36.

faith about the same time as Catesby, and had shared with him in the disastrous enterprise of Essex. But afterwards he opposed Catesby's associates of the Spanish faction, visited James in Edinburgh, and, in consequence of his promises, laboured with success to attach the leading catholics to the cause of the Scottish monarch.* Subsequent events induced Percy to look on himself as the dupe of royal insincerity; he presented a remonstrance to the king, but received no answer; and while his mind was agitated by resentment on the one hand, and by shame on the other, Catesby seized the favourable moment to inveigle him into the conspiracy. At first he demanded time to deliberate: but the desire of revenge, and the hope of averting the evils which he had unintentionally contributed to bring on his brethren, won his consent; and he offered as a useful associate his brother-in-law, John Wright, formerly a follower of Essex, and noted as the best swordsman of his time, who had lately become a catholic, and on that account had been harassed with prosecutions and imprisonment. The conspirators were now four: after a short trial Fawkes was added to the number; and all five, having previously sworn each other to secrecy, received,

May 1. in confirmation of their oath, the sacrament from the hand of the jesuit missionary, father Gerard.†

* There can be no doubt that Percy thus represented the answer of James, though the king afterwards denied that he had any authority for it. When the earl of Northumberland was examined whether he had ever affirmed that he could dispose of the catholics of England, he answered thus: "He denieth that he ever affirmed any such matter, but sayeth, that when Percy came out of Scotland from the king, (his lo. having written to the king, where his advice was to give good hopes to the catholiques, that he might the more easilie, without impediment, come to the crown,) then returning from the king, he sayed, that the king's pleasure was, that his lordship should give the catholiques hopes that they should be well dealt withal, or to that effect: and it may be he hath told as much as the king said." Interrogatories of the 23d of November, in the State Paper Office.—The letter to which the earl alludes has been published by Miss Aikin, in her Court of James I. p. 253; and in it occurs the following passage: "I will dare to say no more, but it were pity to lose so good a kingdom for not tolerating mass in a corner, if upon that it resteth." As for the denial of James, it is undeserving of credit. There are too many instances on record, in which he has denied his own words.

† This fact was brought to light by the confessions of Winter and Fawkes, who out of the five were the only two then living. But they both acquit Gerard of having been privy to their secret. Winter says, that "they five administered the oath to each other in a chamber, in which no other body was," and then went into another room to receive the sacrament. Winter's Confession, p. 50. Fawkes, that "the five did meet at a house in the fields beyond St. Clement's Inn, where they did confer and agree upon the plot, and there they took a solemn oath and vows by all their force and power to execute the same, and of secrecy not to reveal any of their fellows, but

But, though they had thus pledged themselves, to adopt the sanguinary projects suggested by Catesby, its execution was still considered as distant and uncertain. They cherished a hope that James might listen to the prayers of Velasco, that his eagerness to conclude a peace with the catholic king might induce him to grant at least the liberty of private worship to his catholic subjects. The English and Spanish commissioners had already assembled; and though both assumed a tone of indifference—though they brought forward the most irreconcilable pretensions, it was well known that their respective sovereigns had determined to put an end to the war, whatever sacrifices it might cost.

James rejects the intercession of the Spanish king.

After repeated conferences for the space of two months, the treaty was concluded. It restored the relations of amity between the English and Spanish crowns: revived the commercial intercourse which had formerly subsisted between the nations; and left to the equity of James the disposal of the cautionary towns in Holland, if the states did not redeem them within a reasonable time.† The constable now interposed the solicitations of his sovereign in behalf of the English catholics; and assured James that Philip would take every indulgence granted to them as a favour done to himself. At the same time to second his endeavours, the catholics made to the king the voluntary offer of a yearly sum in lieu of the penalties payable by law; and attempted to move the pity of the archbishop and of the council, by laying before them a faithful representation of the distress to which numbers of respectable families had been reduced; by their conscientious adherence to the faith of their fathers. But the king, under the advice of his ministers, was inexorable: he assured Velasco, that even if he were willing, he dared not make a concession so offensive to the religious feelings of his protestant subjects. The judges and magistrates received fresh orders to enforce the immediate execution of the penal laws; measures were adopted for the more certain

Aug. 18.

Aug. 14.

to such as should be thought fit persons to enter into that action; and in the same house they did receive the sacrament of Gerard the Jesuit, to perform their vow and of secrecy aforesaid. But that Gerard was not acquainted with their purpose." See the fifth examination of Fawkes, taken November 9th, and subscribed by him Nov. 10th, in the State Paper Office. It was read at the trial, with the exception of the part exculpating Gerard. Before that in the original is drawn a line, with the words *huc usque*, in the handwriting of sir Edward Coke, who was unwilling to publish to the world a passage, which might serve to the justification of one whom he meant to accuse.

† Rymer, xvi. 585. 617.

detection of recusants; and a new commission was appointed for the banishment of all catholic missionaries.* These proceedings, following in rapid succession, extinguished the last ray of hope in the breast of the conspirators. They exhorted each other to hazard their lives, like the Maccabees, for the liberation of their brethren: they hastened to execute that plan, which appeared to be their only resource; and they pronounced it a lawful retribution to bury the authors of their wrongs amidst the ruins of the edifice in which laws so cruel and oppressive had been devised and enacted.†

The conspirators work at the mine.

On inquiry they found contiguous to the old palace of Westminster an empty house, with a garden attached to it, exactly adapted to their purpose. It was hired by Percy under pretence of convenience, because his office of gentleman pensioner occasionally compelled him to reside in the vicinity of the court. For three months he was kept out of possession by the commissioners for a projected union between England

and Scotland; but at their departure he secretly introduced his associates, who again swore to be faithful to each other at the risk of their own lives. On one side of the garden stood an old building raised against the wall of the parliament house. Within this they began to open the mine, allotting two-thirds of the twenty-four hours to labour, and the remaining third to repose: and dividing the task among themselves in such manner, that while one enjoyed his portion of rest, the other three were occupied in the work, which, during the day consisted in excavating the mine—during the night in concealing the rubbish under the soil of the garden. Fawkes had a different employment: as his person was unknown, he assumed the name of Johnson, gave himself out as the servant of Percy, and kept a constant watch round the house. When a fortnight had been thus devoted

to uninterrupted labour, Fawkes informed his associates that the parliament was prorogued from the seventh of February to the third of October. They immediately separated to spend the Christmas holidays at their respective homes, with an understanding that in the interval they should neither write nor send messages to each other.‡

Before this, however, Catesby had discovered a disposition in his fellow labourers to question the lawfulness of the enter-

* Rymer, xvi. 597. More, 309. Gerard's MS. 36. Greenway's MS. 35.

† Lords' Journals, 358.

‡ Winter's Confession, 51—53. Gerard, 36. Greenway, 36.

prise. That they had a right to destroy those who sought to destroy *them*, was admitted: but what, it was asked, could be said in justification of the murder of those friends and catholics who must be enveloped in the same fate with their enemies? The recurrence of the question produced in him alarm and irritation. If he was able by his vehemence to silence their inquiries, he did not convince their consciences: he saw that higher authority was required; and this he sought with that secrecy and cunning which marked the whole of his conduct. The king had granted permission to sir Charles Percy to raise a regiment of horse for the service of the archduke; and Catesby, through the earl of Salisbury, had obtained the royal license to accept a captain's commission. It served him as a pretence to provide arms and horses for his own use; and it also supplied him with the means of seeking a solution of the difficulty suggested by his friends, without the danger of betraying the secret. To Garnet, the provincial of the jesuits, he observed in the presence of a large company, that he was about to engage in the service of the archduke: of the justice of the war he had no doubt; but he might be commanded to partake in actions in which the innocent would necessarily perish with the guilty—armed women and children with armed soldiers and rebels. Could he in conscience obey? Would not the fate of the innocent render his conduct unlawful in the sight of the Almighty? Garnet replied that, according to divines of every communion, obedience in such cases was lawful; otherwise it would at all times be in the power of an unjust aggressor to prevent the party aggrieved from pursuing his just right. This was sufficient: the new theologian applied the answer to the intended plot, and boasted to his associates that their objection was now proved to be a weak and unfounded scruple.*

During the recess he had imparted his secret to Christopher, the brother of John Wright, and to Robert the brother of Thomas Winter. The first had lately become a convert to the catholic faith; both had suffered imprisonment for their

Catesby
proposes a
case to
Garnet.

Percy hires
a cellar under
the parliament
house.

* According to sir Edward Coke, whose object it was to connect Garnet with the conspiracy, the question was proposed in these terms: "whether for the good and promotion of the catholic cause against heretics, it be lawful or not among many nocents to destroy some innocents also." Gunpowder Treason, p. 165. But of this assertion he never attempted to adduce any proof: and not only Garnet, but also Greenway, who was present, declared that the case proposed was that which I have mentioned above. Greenway, 40—42.

1605. religion. With this accession to their number,
 January 30. the conspirators resumed their labour; but their progress was retarded, and their hope checked by unexpected difficulties. The influx of water at a certain depth rendered it impossible to carry the mine under the foundation; and to pierce through a wall three yards thick, and composed of large stones, was no easy task to men unaccustomed to manual labour. Still they persevered; and the perforation daily proceeded, till they were alarmed one morning by a considerable noise, which appeared to come from a room almost over their heads. Fawkes, on inquiry, learned that it was a vaulted cellar, which lay under the house of lords, and would in a few days be unoccupied. This fortunate discovery filled them
 March 25. with joy: the mine was abandoned: Fawkes hired the cellar in the name of his pretended master; and into it were conveyed, under the cover of the night, several barrels of gunpowder, which had been collected in a house at Lambeth. To elude suspicion, these were concealed under stones, billets of wood, and different articles of household furniture; and the conspirators having completed their preparations, separated to meet again in September, a few days before the opening of parliament.*

Severity of the persecution. In the mean time the persecution, which had commenced in the preceding year, daily increased in severity. Nocturnal searches for the discovery of priests were resumed with all that train of injuries, insults, and vexations, which characterized them in the reign of Elizabeth.† The jails were crowded with prisoners; and some missionaries and laymen suffered, more were condemned to suffer death for religious offences.‡ The officiating clergy

* Winter's Confession, 55. Gerard, 42. Greenway, 45.

† "For then not only in the shires and provinces abroad, but even in London itself and in the eyes of the court, the violence and insolency of continuall searches, grew to be such as was intollerable; no night passing commonly, but that soldiours and catch-poles brake into quiet men's houses, when they were asleepe: and not only carried away their persons unto prisons at their pleasure, except they would brybe excessively, but whatsoever liked them best besydes in the house. And these searches were made with such violence and insolency, as divers gentlewomen were drawne, or forced out of their beds, to see whether they had any sacred thing, or matter belonging to the use of catholic religion, either about them, or under their bedds."—Persons' judgment of a catholic Englishman. 8vo. 1608.

‡ Sugar, a priest, Grissold, Baily, Wilbourne, Fulthering, and Brown, laymen, were executed. Hill, Green, Tichbourne, Smith, and Briscow, priests, and Skitel, a layman, received sentence of death, but were reprieved at the solicitation of the French and Spanish ambassadors, and afterwards sent into banishment. One of the latter had been condemned by

were bound under ecclesiastical penalties to denounce all recusants living within their respective parishes;* and courts were held every six weeks to receive informations, and to convict offenders. The usual penalties were enforced with a rigour, of which former persecutions furnished no precedent; and the recusants, in the middle classes of life, were ground to the dust by the repeated forfeiture of all their personal estates, with two thirds of their lands and leases.† To reduce the higher rank to an equality with their more indigent brethren, the bishops received orders, at the suggestion of the chancellor, to excommunicate the more opulent or more zealous catholics within their dioceses, to certify their names into the chancery, and to sue for writs de excommunicato capiendo, by which the delinquents would become liable to imprisonment and outlawry; incapable of recovering debts, or rents, or damages for injuries; of making sales or purchases; or of conveying their estates by deed or will.‡ To add to

sergeant Philips for having only received a Jesuit into his house. The sentence was thought illegal; and Pound, a catholic gentleman, complained to the council. Instead of redress he was called before the lords in the star-chamber, who "declared the condemnation to be lawfull, condemned Pound to lose one of his ears here in London, and the other in the country where he dwelleth, to fine 1000*l.* and to endure perpetual imprisonment, if he impeach not those that advised him to commence his suite; and if he would confess, this sentence should be revoked, and their lordships would otherwise determine according to reason. In the mean time Pound lyeth a close prisoner in the Tower." Winwood, ii. p. 36. The queen interceded for Pound, but James forbid her evermore to open her mouth in favour of a catholic. Some time afterwards the French and Venetian ambassadors remonstrated on the severity of the sentence, and Pound, having stood a whole day in the pillory in London, was allowed to depart to his own house at Belmont in Hampshire. Bartoli, 64. Eudæmon Joannes, 238.

* Wilk. Con. iv. 400. can. cxiv. 411.

† These penalties were exacted with such rigour by the bishops of Hereford and Landaff, that in the sole county of Hereford 409 families suddenly found themselves reduced to a state of beggary. It required but little additional provocation to goad men in such extremity to acts of violence: a curate had refused to allow the interment of a catholic woman in the churchyard, under pretence that she was excommunicated. Her friends buried her by force: they repelled the civil officers by help of other catholics: their numbers rapidly encreased, and the two persecuting prelates were compelled to flee for their lives: the earl of Worcester, a catholic, hastened from court to appease the tumult; and his efforts were aided by messengers from the missionaries, and other catholics in the neighbouring counties. Lodge, iii. 293. Bartoli, 476. See also Garnet's letter, Note (B.) Eudæmon Joannes, 135.

‡ Wilk. Con. iv. 411. "Our gracious king hitherto forbears to draw blood of the catholiques (this was not exactly true), no civil practise tending to conspiracy or treason having yet appeared either by their doctrine or their dispensations; but whensoever they shall hault in dutie, the king means (as he hath cause) to proceed to justice. In the mean time they pay their two parts more roundly than ever they did in the time of the late

their terrors, a report was spread, that in the next parliament measures would be adopted to ensure the total extirpation of the ancient faith; and the report seemed to be confirmed by the injurious epithets which the king in his daily conversation

bestowed on the catholics, by the menacing directions of the chancellor in the star chamber, and by the hostile language of the bishop of London in his sermon at St. Paul's cross.

June 20.

August 5.

Catesby receives more associates.

It was with secret satisfaction that Catesby viewed these proceedings. He considered his victims as running blindly to their own destruction, and argued that the more the catholics suffered, the more readily they would join his standard after the explosion. As the time approached, he judged it necessary to add four more to the number of his accomplices. These were Bates, his confidential servant, whom he employed to convey arms and ammunition into Warwickshire; Keys, an intimate friend, irritated by the forfeiture of his property, and distinguished by his boldness and resolution; Grant, whose house at Norbrook was conveniently situated for the subsequent operations of the conspirators; and Ambrose Rookwood, of Stanningfield, in Suffolk, who could furnish a stud of valuable horses. Fawkes, as his services were not immediately wanted, repaired during the interval to Flanders. He was instructed to procure secretly a supply of military stores; and (which was of still greater importance) to intrigue with the officers of the English regiment in the pay of the archduke. Several of these, bold and needy adventurers, owed their commissions to the influence of Catesby. To them he sent advice that the English catholics, if they could not obtain redress by petition, would seek it by the sword: and he conjured them in that case to hasten to the aid of their brethren, with as many associates as they could procure. The proceedings of Fawkes, though conducted with caution, did not entirely escape notice; and Cecil was repeatedly warned from France and Flanders, that the exiles had some clandestine enterprise in hand, though the object and names of the conspirators had not been discovered.*

queen, not any one as I think being left out, or like to be left out before Michaelmas; and besides like to fall into church censures of excommunication, with the penalties thereunto belonging, which were not felt formerly." Northampton's letter, July, 1605, in Winwood, ii. 95. I must be excused the length of these quotations, because it has been pretended that at this period the catholics were not persecuted, but favoured.

* Winter's confession, 56. Greenway, 53—56. Winwood, ii. 172. Birch's Negotiations, 233. 248. 251. 255.

At home Catesby was indefatigable in the prosecution of his design. But though he might rely with confidence on the fidelity of his accomplices, he knew not how to elude the scrutinizing eyes of his more intimate friends. They noticed the excited tone of his conversation, his frequent and mysterious absence from home, and his unaccountable delay to join the army in Flanders. Suspicion was awakened, and Garnet, the superior of the jesuits, who had received orders from the pope and from his general to discountenance any attempt of the catholics to disturb the public tranquillity, seized the first opportunity to inculcate at the table of Catesby the obligation of submitting to the pressure of persecution, and of leaving the redress of wrongs to the justice of heaven. Catesby could not restrain his feelings. "It is to you, and such as you," he exclaimed, "that we owe our present calamities. This doctrine of non-resistance makes us slaves. No authority of priest or pontiff can deprive man of his right to repel injustice." The jesuit replied; a private conference followed; and Catesby offered to reveal his secret to the fidelity of his friend. But Garnet refused to hear him, and after much altercation it was agreed, that sir Edward Baynham, who was on the point of proceeding to Italy, should be solicited to explain the sufferings of the catholics, and to request the advice of the pontiff. In this conclusion each party sought to overreach the other. Catesby's object was to silence Garnet, and to provide an agent at Rome, whom he might employ as soon as the explosion had taken place. Garnet persuaded himself that he had secured the public tranquillity for a certain period, before the expiration of which he might receive from the pope a breve prohibitory of all violent proceedings.*

His object
suspected.

August.

Fawkes, having completed his arrangement in Flanders, returned to England in September; and immediately afterwards it was announced that the parliament would again be prorogued from October to the fifth of November. This disappointment alarmed the conspirators: it was possible that their project had been discovered; and, to ascertain the fact, Winter was employed to attend in the

Parliament
prorogued.

* Sir Edward Coke at the trial gave a different account of this transaction; but he made no attempt to bring forward any proof of his statement. I write from the manuscript relation of Greenway (p. 42) who was present. Eudæmon Joannes asserts the same from the mouths of the persons concerned. *Apologia*, 251. Garnet on his trial explained it in the same manner, and his explanation is fully confirmed by the letter which he wrote to his superior in Rome on July 24, immediately after his last conference with Catesby. It may be seen in App. note (B.)

parliament house, and to watch the countenances and actions of the commissioners during the ceremony of prorogation. He observed that they betrayed no sign of suspicion or uneasiness; that they walked and conversed with apparent security on the very surface of the volcano prepared for their destruction. Hence it was inferred, that they must be still ignorant of its existence.*

Sir Everard Digby. It is, however, to these successive postponements that the failure of the plot must be attributed. None of the conspirators, if we except Catesby, were rich. Many of them, for the last twelve months, had depended on his bounty for the support of their families; the military stores had been purchased, and every preparation had been made at his expense. But his resources were now exhausted; and the necessity of having a large sum of money at his disposal against the day of the explosion, compelled him to trust his secret to two catholic gentlemen of considerable opulence. The first was a young man of five and twenty, sir Everard Digby, of Drystoke, in Rutlandshire. At an early age he was left by the death of his father a ward of the crown, and had in consequence been educated in the protestant faith. From the university he repaired to the court, where he attracted the notice of Elizabeth; but the year before her death, he turned his back to the bright prospect which opened before him, and retiring to his estates in the country, embraced the religion of his fathers. It was with difficulty that he could be induced to join in the conspiracy. Catesby made use of his accustomed arguments, showed him a passage in a printed book, from which he inferred that the attempt was lawful; and assured him that the fathers of the society had approved of it in general, though they knew not the particulars.† By degrees the doubts and misgivings of the unfortunate young man were silenced: he suffered himself to be persuaded, promised to contribute a sum of £1500, and undertook to invite, about the time of the opening of parlia-

* Greenway's MS. p. 60.

† See Digby's letters at the end of the Gunpowder Treason, p. 249. 251. "I saw," he says, "the principal point of the case judged in a Latin book of M. D. my brother's (Gerard's) father-in-law." p. 249. (Perhaps it should be N. D. the initials under which Persons, Gerard's superior, had published several works.) Garnet in an intercepted letter, furtively written to a friend from the Tower, says: Master Catesby did me much wrong. He told them (his accomplices) that he asked me a question in Q. Elizabeth's time of the powder action, and that I said it was lawful: all which is most untrue. He did it to draw in others." Original in the state paper office.

ment most of his catholic friends to hunt with him on Dunmoor, in Warwickshire.

The second was Francis Tresham, who, on the death of his father in September last, had succeeded to a large property at Rushton, in Northamptonshire. He had formerly been the associate of Catesby and Percy in the attempt of the earl of Essex, and had since that time borne his share of persecution on account of his religion. His character was fully known. He had nothing of that daring spirit, that invincible fidelity which alone could have fitted him to be an accomplice in such an enterprise. He was by nature cold and reserved—selfish and changeable. But his pecuniary resources offered a temptation not to be resisted; and the conspirators, having administered the usual oath, confided to him their secret, and extorted from him a promise of aiding them with £2000. But from that moment Catesby began to feel apprehensions, to which he had hitherto been a stranger. His mind was harassed with doubts of the fidelity of his new colleague; and his rest was broken by dreams of the most fearful and ominous import.*

Francis
Tresham.

Oct. 14.

At this time their plan of operations was finally arranged. 1. A list was made of all the peers and commoners whom it was thought desirable to save on account of their religion, or of their previous opposition to the penal enactments, or of the favour which they had hitherto shown to the catholics. It was resolved that each of these, if he were in London, should receive on the very morning a most urgent message, which might withdraw him to a distance from Westminster, and at so late an hour that the artifice should not be discovered till the blow had been struck.†

Plan of the
conspirators.

2. To Guy Fawkes was allotted the desperate office of firing the mine. A ship in the river had been provided at the expense of Tresham, to convey him immediately to Flanders, where he was instructed to publish a manifesto in defence of the act, and to despatch letters invoking the aid of all

* Winter's confession, 56. Greenway's MS. 57, 58. Digby and Tresham were admitted about the beginning of October, but I know not whether before or after the prorogation of the 3d. Besides the money promised by these gentlemen, Percy engaged to give them the earl of Northumberland's rents, about 4000*l*. Winter's confession, 56.

† Greenway, 39. Winter's confession, 54. "Divers were to have been brought out of danger, which now would rather hurt them than otherwise. I do not think there would have been three worth saying that should have been lost. You may guess that I had some friends that were in danger which I prevented, but they shall never know it." Digby's letter to his wife, at the end of the Gunpowder Treason, p. 251.

the catholic powers. It was also hoped that, in consequence of his previous intrigues, he would be able to send back by the same vessel a valuable supply of ammunition and volunteers.

3. To Percy, as one of the gentlemen pensioners, it would be easy to enter the palace without exciting suspicion. His task was to obtain possession of the young prince Charles, to take him under pretext of greater safety to a carriage in waiting, and thence to conduct him to the general rendezvous of the conspirators.

4. That rendezvous was Dunchurch; whence Digby, Tresham, Grant, and their associates, were to proceed to the house of lord Harrington, and to possess themselves of the infant princess Elizabeth.

5. Catesby undertook to proclaim the heir apparent at Charing cross: and, on his arrival in Warwickshire, to issue a declaration, abolishing the three great national grievances of monopolies, purveyance, and wardships.

6. It was agreed that a protector (his name was never suffered to transpire) should be appointed, to exercise the royal authority during the nonage of the new sovereign.

But what, the reader will ask, was to follow from the execution of this plan? Could twelve private individuals, without rank or influence, and stained, as they would be, with the blood of so many illustrious victims, rationally expect to control the feelings of an exasperated people, to establish a regency, to procure a parliament devoted to their purposes, and to overturn that religious establishment which had now existed half a century? To a sober reasoner the object would have appeared visionary and unattainable: but *their* passions were inflamed—their imaginations excited: revenge, interest, enthusiasm urged them forward; they smiled at the most appalling obstacles, and in defiance of all probability, persuaded themselves, that the presence of the royal infants would give a sanction to their cause; that many protestants, and most catholics, that disbanded officers and military adventurers, that all to whom a revolution offered the prospect of wealth and honour, would hasten to their standard; and that of their enemies the most formidable would have perished in the explosion—the rest, overwhelmed with terror and uncertainty, would rather seek to escape notice, than to provoke destruction by acts of hostility.*

* Digby's letters, 249, 250. Greenway's MS. 58, 59.

Garnet, ignorant of these proceedings, still cherished a hope that by his conference with Catesby he had induced that conspirator to suspend, if not to abandon his criminal intention.*

The plot revealed to Garnet.

He was quickly undeceived. Catesby, whatever he might pretend to his associates, felt occasional misgivings of conscience, and on that account resolved to open the whole matter in confession to Greenway. That jesuit, if we may believe his solemn asseveration, condemned the design in the most pointed terms. But Catesby was not to be convinced: to every objection he had prepared an answer; and in conclusion he solicited Greenway to procure the opinion of his provincial, under the secrecy of confession. With this view the jesuit applied to Garnet, and received in return a most severe reprimand. He had done wrong to entertain any mention of so dangerous a project: he had done worse in imparting it to another. Nothing now remained but to divert the conspirator from his sanguinary purpose. Let him therefore employ every argument, every expedient in his power: but at the same time, let him be careful to keep the present conversation secret from every man living, even from Catesby himself.†

October.

This communication, however, plunged the unfortunate provincial into the deepest anxiety. Against his will, and in defiance of the precautions which he had taken, he was become privy to the particulars of the plot; and that plot he found to exceed in atrocity, whatever the most fearful mind could have anticipated. The explosion, with its consequences, perpetually presented itself to his imagination: it disabled him from performing his missionary duties by day—it haunted his slumbers by night. Worn out with solicitude he determined to try his own influence, and hastened from Harrowden, the seat of lord Vaux, to Coughton, in Warwickshire, where he was in expectation of again meeting with Catesby. But it was too late: an event had occurred to detain that conspirator in the neighbourhood of the metropolis.‡

Nov. 1.

* Thus as late as the 28th of August, he wrote to Persons: "For any thing wee can see, catholicks are quiet, and likely to continew their ould patience, and to truste to the kynge and his sone for to rimidie al in tyme." Gerard, 46. He repeatedly asserted the same at his trial.

† I take these particulars from Greenway, who asserts their truth, "on his salvation," MS. 109, and from his oral account to Eudæmon Joannes, *Apologia*, 259, 260, 290.

‡ It is plain from Garnet's letter of the 4th of October, in Appendix (note C) that he knew not then of the plot even from Greenway; before the end of the month he went to Coughton, I therefore fix the date of this commu-

Tresham
hesitates.

With Fawkes in his company Catesby had gone to White Webbs, a house near Enfield chase: where, while he was engaged in consultation with Winter, he received an unexpected visit from Tresham. There was an embarrassment in the manner of this new associate, a visible effort at concealment, which alarmed his two friends. He pleaded most earnestly that warning of the danger should be given to lord Mounteagle, who had married his sister. In addition he suggested a further delay. He could not, he said, furnish money, unless he were allowed time to accomplish certain sales to the amount of £16,000: but the explosion might take place with as much effect at the close as at the opening of parliament; and the conspirators for greater security might make use of his ship which lay in the Thames, and spend the interval in Flanders. The proposal confirmed the suspicions of Catesby: but he deemed it prudent to dissemble, and, after some objections, pretended to acquiesce. Whether Tresham was deceived or not, is uncertain: his real object was, if we may believe himself, to break up the conspiracy without revealing the names of his associates.*

Letter to
lord Mount-
eagle.

Oct. 26.

In the course of a few days, lord Mounteagle ordered a supper to be prepared, not at his residence in town, but at a house belonging to him at a short distance from London—a circumstance so unusual, that it excited much surprise in his family. While he sat at table a letter was delivered to him by one of his pages, who had received it from a tall man, whose features he did not recognise in the dark. Mounteagle opened the letter, and seeing that it was without date or signature, and written in a disguised hand, ordered a gentleman in his service to read it aloud. It was as follows:—

“my lord out of the love i heave to some of your frends i have a caer of your preservation therefor i would advyse youwe as youwe tender your lyf to devyse some excuse to

nication to him to the 21st or 22d. On the 21st he arrived, in the company of two maiden ladies, aunts to lord Vaux, at the house of that young nobleman; and found there sir Everard Digby, Catesby, Greenway, and Gerard. See Gerard's MS. 81. Greenway's MS. 85, 86.

* The date of this interview is uncertain. It must have happened between the 14th and the 26th of October. I have obtained the particulars from Greenway's MS. 67. who writes on the authority of Catesby, from the sixth examination of Fawkes on the 16th, and from that of Tresham on the 13th of November. The letter declares that his real object was to put an end to the plot. “This was the only way that I could resolve on to overthrow the action, to save their lives, and to preserve my own fortunes, lyffe, and reputation.” Both examinations are in the State Paper Office.

shift of your attendance at this parliament for god and man hath concurred to punish the wickedness of this time and thinke not slightly of this advertisement but retyere your self into your contri wheare you may expect the event in safte for though theare be no apparance of anni stir yet i saye they shall receyve a terribel blowe this parliament and yet they shall not see who hurts them this councell is not to be contemned because it may do you good and can do you no harme for the danger is passed as soon as you have burnt the letter and i hope god will give you the grace to make good use of it to whose holy protection i comend you."*

The following day the very individual who had been requested to read the letter, called on Thomas Winter, one of the conspirators. He related to him the occurrence of the preceding evening; added that his lord had laid the mysterious paper before the secretary of state; and ended by conjuring him, if he were a party to the supposed plot, to provide for his safety by immediate flight. It was a trying moment to Winter: he endeavoured to master his feelings, assumed a tone of levity, and ridiculed the affair as a hoax on the credulity of lord Mounteagle. But as soon as he could leave his house

Oct. 27.

Oct. 28.

unobserved, he hastened to White Webbs, and communicated the alarming intelligence to his colleague. Catesby, however, was unwilling to despair. He agreed with Winter that Tresham was the writer of the letter. But had he done any thing more? Had he revealed the particulars of the plot, or the names of the conspirators? Till that were ascertained,

* Archæologia, xii. 200. It may be asked, who was the writer of this letter? Instead of enumerating the different conjectures of others, I will relate what seems, from Greenway's manuscript, to have been the opinion of the conspirators themselves. They attributed it to Tresham, and suspected a secret understanding between him and lord Mounteagle, or at least the gentleman who was employed to read the letter at table. They were convinced that Tresham had no sooner given his consent, than he repented of it, and sought to break up the plot without betraying his associates. His first expedient was to persuade them to retire to Flanders in the ship which he had hired in the river. He next wrote the letter: and took care to inform them on the following morning that it had been carried to the secretary, in hope that the danger of discovery would induce them to make use of the opportunity of escape. In this he would undoubtedly have succeeded, had not his cunning been defeated by the superior cunning of Cecil, who allowed no search to be made in the cellar. From that moment Tresham avoided all participation in their counsels; and when they fled, he remained in London, and showed himself openly. He was afterwards apprehended on the confession of some of the prisoners, and died in the Tower before the end of the month. "Bishop Goodman, in his answer to Weldon's court of king James, saith that Tresham sent the letter." Somers' Tracts, ii. 104.

he would hope for the best, and continue to defy the policy and the conjectures of the secretary.

Oct. 31.

Three days later, in consequence of a most urgent message, Tresham ventured to meet Catesby and Winter in Enfield chase. Their resolve was fixed: had he faltered or changed countenance, that moment would have been his last. But he repelled the charge of perfidy with spirit; and maintained his innocence with so many oaths and protestations, that they hesitated to take his life on no better ground than bare suspicion.

Doubts of
the con-
spirators.

On their return they despatched Fawkes to examine the cellar. He found every secret mark as he had left it. It was plain that no search had yet been made, and hence it was inferred that no information of the mine had been given. They now for the first time imparted to him the intelligence. He complained of their previous silence as arguing a distrust of his courage; and, to prove that he felt no apprehensions, engaged to revisit the cellar once every day till the fifth of November.*

Nov. 1.

The king, who had been hunting at Royston, at last returned. He repeatedly perused the letter, and spent two hours in consultation with his ministers.† This information, but nothing more, was conveyed to Winter by the same attendant on lord Mounteagle. Winter sought a second interview with Tresham at his house in Lincoln's Inn walks, and returned to Catesby with the following answer: that the existence of the mine had been communicated to the ministers. This Tresham said he knew; but by whom the discovery had been made, he knew not. A council of the conspirators was held. Some proposed to flee immediately to Flanders—others refused to give credit

* I am indebted for all these particulars to the narration of Greenway, p. 62. who learned them from the conspirators themselves, whom he visited on the sixth of November. See also Winter's Confession, 57, 58.

† James, in his speech to the parliament on November 9, (*Lords' Journals*, ii. 358) and in his own works, published by bishop Montague, takes to himself the merit of being the first to discover the true meaning of the letter to lord Mounteagle, (see Howell, ii. 198) and his flatterers attributed it to a certain "divine illumination." (Coke, *Gunpowder Treason*, 118): but the contrary is evident from the circular of the earl of Salisbury. "We (the earls of Salisbury and Suffolk) both conceived that it could not by any other way be like to be attempted than with powder, while the king was sitting in that assembly: of which the lord chamberlain conceived more probability because there was a great vault under the said chamber we all thought fit to forbear to impart it to the king until some three or four days before the sessions." Winwood, ii. 171.

to Tresham. They oscillated from one opinion to another, and finally determined to await the arrival of Percy.

Percy exerted all his powers to confirm the resolution of his associates. He reminded them of the pains which they had taken, of the difficulties which they had overcome. They were now on the point of reaping the fruit of their labour: would they forfeit it on a mere conjecture—on the credit of a recreant colleague, who, to extricate himself from danger, had probably feigned that which he only feared? His arguments or his authority prevailed. But a change was made in their former arrangements. Fawkes undertook to keep guard within the cellar; Percy and Winter to superintend the operations in London; Catesby and John Wright departed for the general rendezvous in Warwickshire.*

They resolve to persevere.

Nov. 4.

Towards evening the lord chamberlain, whose duty it was to ascertain that the necessary preparations had been made for the opening of the session, visited the parliament house, and in company with lord Mounteagle entered the cellar. Casting around an apparently careless glance, he inquired by whom it was occupied; and then fixing his eye upon Fawkes, who was present under the designation of Percy's servant, observed that his master had laid in an abundant provision of fuel. This warning was lost on the determined mind of the conspirator. Though he saw and heard all that passed, he was so fixed on his ruthless purpose, that he resolved to remain to the last moment; and having acquainted Percy with the circumstance, returned to his post, with a determination on the first appearance of danger to fire the mine, and perish in the company of his enemies.

About two in the morning (the reader will observe that this was the fifth of November, the day appointed for the commencement of the session,) Fawkes had occasion to open the door of the vault; and at the very moment was seized by sir

Apprehension of Fawkes.
Nov. 5.

Thomas Knevelt and a party of soldiers. He was dressed and booted as for a journey—three matches were found in his pockets—and in a corner behind the door was concealed a dark lanthorn containing a light. The search immediately began; and, on the removal of the fuel, were discovered two hogsheads and thirty-two barrels of gunpowder.†

* Greenway, 64. Winter's Confession, 58.

† Winwood, ii. 171, 172. Gunpowder Treason, 32—37.

His resolution.

By four o'clock the king and council had assembled to interrogate the prisoner. Fawkes stood before them collected and undaunted: his replies, though delivered in respectful language, gave no clue to the discovery of his associates. His name he said was Johnson—his master Percy: whether he had or had not accomplices, should never be known from him: his object was to destroy the parliament, as the sole means of putting an end to religious persecution. More than this he refused to disclose, though he was repeatedly examined in the presence of the king. During the intervals, he bore without shrinking the inquisitive gaze of the courtiers; and answered all their questions in a tone of sarcasm and defiance. A Scottish nobleman asked him for what end he had collected so many barrels of gunpowder: "To blow the Scottish beggars back to their native mountains," was the reply. James pronounced him the English Scævola.*

His accomplices flee.

In the Tower, though orders were given that he should be racked to extremity, his resolution was not to be subdued; nor did he consent to make any disclosure, till his associates had announced themselves by appearing in arms.† They, the moment they heard of his apprehension, had mounted their horses, and on the same evening reached the hunting party at Dunchurch. There was something mysterious in their sudden arrival, in their dejected appearance, and in their long and serious consultation with

Nov. 6. sir Everard Digby. Before morning a whisper of disappointed treason was circulated: the guests gradually took their leave, and three only remained to share the desperate fate of their friends. The seizure of the princess Elizabeth was no longer an object: they traversed in haste the counties of Warwick and Worcester, to Holbeach, the residence of Stephen Littleton, one of their new associates. To their dismay every catholic from whom they solicited aid on the road, shut his doors against them: while the sheriffs of each county followed, though at a respectful distance, with an armed force.‡ At Holbeach house they resolved to turn on their pursuers. Though they could not muster, with the addition of their servants, more than eighty

* James's Works, apud Howell, ii. 201. Birch's Negotiations, p. 239.

† "The gentler tortures are to be first used unto him, et sic per gradus ad ima tendatur." James's Instructions, Nov. 6, in the State Paper Office.

‡ Greenway, 70. They took this route in expectation that Mr. Talbot would join them, in which case they had no doubt of beating their pursuers or of bringing them to terms. But Talbot refused to see them or to receive any message from them. Digby's letters, 250.

men, yet well horsed and well armed, they believed themselves a match for the tumultuary host of their adversaries: and a victory in such circumstances would probably add to their numbers,—would certainly allow time to provide for their safety. But on the fourth morning after the discovery of the plot, during their preparation for battle, a spark of fire accidentally fell among the powder.

Are all slain
or taken.
Nov. 8.

Catesby and some of his accomplices were severely burnt: and the majority of their followers took advantage of the confusion to make their escape. Within an hour the house was surrounded. To a summons from the sheriff, was returned a haughty defiance; not that the inmates cherished the hope of saving their lives, but they sought to avoid the knife of the executioner by provoking the hostility of their pursuers. With this view Catesby, Percy, and the two Wrights, armed with their swords only, exposed themselves in the court to the shot of their assailants, and were all mortally wounded. Thomas Winter, who had accompanied them, retreated into the house; where with Rookwood, Grant, and Keys, who had suffered from the explosion, he was after some resistance made prisoner. Digby, Robert Winter, and Littleton, burst through the ranks of their opponents: but the first was surrounded in a wood; the others were afterwards betrayed by a servant of Mrs. Littleton, a widow in whose house, at Hagley, they had been secreted without her knowledge by her cousin Humphrey Littleton.

More than two months intervened between the apprehension and the trial of the conspirators. The ministers had persuaded themselves, or wished to persuade others, that the jesuit missionaries were deeply implicated in the plot. On this account the prisoners were subjected to repeated examinations: every artifice which ingenuity could devise, both promises and threats, the sight of the rack, and occasionally the infliction of torture, were employed, to draw from them some avowal, which might furnish a ground for the charge: and in a proclamation issued for the apprehension of Gerard, Garnet, and Greenway, it was said “to be plain and evident from the examinations, that all three had been peculiarly practisers in the plot, and therefore no less pernicious than the actors and counsellors of the treason.”*

Prisoners
examined.

1606.
Jan. 15.

At length the eight prisoners were arraigned. They all pleaded not guilty; not, they wished it to be observed, because they denied their partici-

Trials.
Jan. 27.

* Rymer, xvi. 639.

pation in the conspiracy, but because the indictment contained much to which till that day they had been strangers. It was false that the three jesuits had been the authors of the conspiracy, or had ever held consultations with them on the subject: as far as had come to their knowledge, all three were innocent. With respect to themselves they had certainly entertained the design laid to their charge: but whatever men might think of the fact, they would maintain that their intention was innocent before God. Some of them had already lost most of their property—all had suffered severely on account of their religion. The king had broken his promise of toleration, and the malice of their enemies daily aggravated their burthens. No means of liberation was left, but that which they had adopted. Their only object was to relieve themselves and their brethren from the cruelty of the persecutors, and to restore a worship which in their consciences they believed to be the true worship of Christ: and for this they had risked, and for this they were ready to sacrifice their fortunes and lives. In reply the earls of Salisbury and Northampton strongly asserted that the king had not broken his faith; and that the promises on which the catholics relied, had been the fictions of designing men in their own body.

And execution.

Jan. 30.

The prisoners received judgment, and suffered the punishment of traitors, having on the scaffold repeated the same sentiments which they had before uttered at their trials.*

Apprehension of Garnet.

Jan. 20.

Of the three jesuits mentioned in the proclamation, Gerard and Greenway, after many adventures, escaped to the continent. Garnet, having previously sent to the council a protestation of his innocence, secreted himself at Henlip near Worcester, in the house of Thomas Abington, who had married the sister of lord Mounteagle. The place of his concealment was known to Humphrey Littleton, who had not yet been brought to trial; and the hope of saving his own life induced him to communicate the intelligence to the council. Sir Henry Bromley, a neighbouring magistrate, received a commission to proceed to Henlip with an armed force.

Mrs. Abington, in the absence of her husband, delivered to him her keys with an air of cheerfulness: every apartment was rigorously and repeatedly searched; and guards were stationed by day and night in each passage, and at all

* See "a true and perfect relation of the whole proceedings, 1606:" also Harleian Miscellany, iii. 127. Gerard in his MS. account (107—121) frequently contradicts this writer. So does Stowe's Chronicle, 881.

the outlets. Thus three days passed, and no discovery was made: but on the fourth two strange men suddenly appeared in a gallery, and were instantly apprehended. They proved to be Owen, the servant of Garnet, and Chambers, the servant of Oldcorne, another jesuit, whom hunger had compelled to leave their hiding place. This success stimulated the efforts of the pursuivants. The search proceeded: nine other secret chambers were discovered; and on the eighth day an opening was found into that in which the two priests lay concealed. All four, with the master of the house, who had returned during the interval, were conducted to London, and committed to the Tower.*

Jan. 24.

Jan. 28.

A bill to attain the conspirators who died at Holbeach, or had already been convicted, was now brought into the house of lords; but into it were introduced, in imitation of the odious practice during the reign of Henry VIII., the names of several individuals, some of whom had not yet been apprehended—none had been arraigned. The lords hesitated: they required to be put in possession of the evidence against the latter: and, when they had heard the attorney-general, resolved not to proceed with the bill till more satisfactory information could be procured.† For this purpose Garnet was interrogated about twenty times by different commissioners; his servant Owen was stretched on the rack till he expired; and his companion Oldcorne suffered the torture during five hours on five

His examination.
Feb. 1. 3. 8.

* Gerard, 87—89. Greenway, 95—97. "A true discovery of the service performed at Henlip," in the appendix to the second volume of Mr. Butler's *Memoirs of British Catholics*, third edition, p. 442. The opening was from an upper room through the fire place. The wooden border of the hearth was made to take up and put down like a trap-door, and the bricks were taken out and replaced in their courses whenever it was used. Fowles, 608.

† This account is given both by Gerard and Greenway, and it is supported by the journals. The bill was read the first time February 1; the attorney-general was ordered to attend with his proofs February 3. He obeyed, and on the 8th the earl of Northampton in the name of the committee moved, that "as upon the examination of the jesuits and seminaries named in the bill, some more particular discovery might be made of the said treason, therefore stay might be made of any further proceeding on that bill till the said examination might be taken." Journals, 366, 367. 370. At Garnet's trial Coke noticed this circumstance, and in reply to the inference drawn from it, observed that the bill was introduced before the apprehension of the jesuit, and that his majesty would not let it proceed, till the trial had taken place by just course of law. *Gunpowder Treason*, 148, 149. Yet both parts of this reply are contradicted by the journals: for the bill was introduced Feb. 1, three days after the apprehension of Garnet, and the reason for the delay was that which I have copied above.

successive days. Still no semblance of proof could be elicited; and recourse was had from violence to artifice. The warder of Garnet, acting by the order of the lieutenant, put on the disguise of a friend. He pitied the restraint of his prisoner; he affected to venerate him as a martyr for religion; he offered him every indulgence which could be granted, consistently with his own safety. The jesuit suffered himself to be deceived: and, through the medium of this unexpected friend, commenced a correspondence with several catholics. But though the letters on both sides were carried to the lieutenant, and by him submitted to the inspection of the commissioners, they furnished no new intelligence, no proof whatever against the prisoner or his friends.* The ingenuity of the lieutenant was not exhausted. He removed Oldcorne to a cell contiguous to that of Garnet, and a hint was conveyed to both that they might communicate with each other through a narrow aperture in the door. The fact was that there were two doors opposite to each other, and that between them stood two persons to overhear the conversation. Oldcorne, among other things, asked his fellow prisoner what had been urged against him respecting the plot: and Garnet without hesitation replied, that there he was secure, "being there was no man living, who could touch him in that matter, but one," nor any thing that could excite suspicion against him, unless it were that he had desired his congregation to pray for the success of the catholic cause, and had recited a hymn, containing expressions which might by his enemies be supposed to allude to the conspiracy. These incautious admissions were eagerly caught by the two spies, and the information was instantly transmitted to the council.

Garnet, to his surprise, received an order to answer this question: Was there not one man living, who could accuse him of having been privy to the plot? He replied in the negative, was placed on the rack, and heard the conversation between himself and Oldcorne repeated in his presence. It was now useless to deny his words: but he undertook to explain them: he had been consulted in confession by his brother Greenway; the secrecy to which he was bound through reverence to the sacrament, had hitherto compelled him to be silent: now, that he

* The letters were written with common ink, and on ordinary subjects: but in addition notes were inserted written with the juice of oranges or lemons, which on the application of heat became visible. On this account the lieutenant found it necessary to retain the originals, and to forward exact copies. Greenway's MS. 105. Some of these letters are still in the State Paper Office.

was subject to torture, he would avail himself of the permission previously given to him by Greenway, and was therefore ready to acknowledge the fact.

Thus after an interval of two months was laid a ground for the trial of the prisoner. The interest which it excited appeared from the crowd of spectators assembled in the court, among whom were the king himself, all the foreign ambassadors, and most of the members of parliament. Sir Edward Coke, the attorney-general, spoke for some hours. He detailed all the plots, real or imaginary, which had ever been attributed to the catholics since the accession of queen Elizabeth; he declaimed against the jesuitical doctrine of equivocation, and the temporal pretensions of the pontiffs; he described the missionaries in general, and the jesuits in particular, as leagued in an impious conspiracy to destroy the king and the leaders of the protestant interest. But when he descended to the real merits of the indictment, he soon betrayed the poverty of his case. Not a word was said of the confessions, or the witnesses, or the dying declarations, by which he had promised to prove that Garnet had been the original framer of the plot, and the confidential adviser of the conspirators. This part of the charge was seen to rest on his bare assertion, supported only by a few unimportant facts susceptible of a very different interpretation. Garnet replied with temper and firmness: but was so often interrupted by questions and remarks from the attorney-general and the commissioners on the bench, that the king himself declared they had not given him fair play.* He

And trial.
March 28.

* The friends of Garnet bitterly complained of the artifice employed to do away the effect of those declarations in his favour, which had been made by the conspirators, both at the bar and on the scaffold. Tresham had been examined in the Tower, whether Garnet had any share in what was called the Spanish treason in 1602: and replied "that father Garnet, otherwise Walley, the jesuit, and father Greenway, were by their desire drawn to be acquainted with Winter's employment into Spain to give him more credit unto it." (Original in the State Paper Office.) He afterwards doubted the accuracy of this deposition; and on his death-bed dictated a letter to the earl of Salisbury, in which he recalled what he had said respecting Garnet being privy to Winter's object, because "he had not seen him for 14 years before." It is evident from all the circumstances, that these 14 years referred to the Spanish treason in 1602. Coke, however, at the trial, informed the court, that Tresham in his letter asserted that he had not seen Garnet for 16 years, whereas Garnet himself confessed, that they had seen each other several times of late: and the earl of Salisbury, turning to the prisoner, asked him how he could explain Tresham's assertion. The jesuit, unaware of the artifice, and supposing that Tresham had spoken of the last year, imprudently replied that "perhaps he equivocated." This was sufficient. It was immediately inferred, that no credit was due to declarations of dying men, who could equivocate even at that awful hour. State Trials, ii. 257. Gerard's MS. p. 135. Bartoli, 563.

acknowledged that he had heard of the plot in confession; but among catholics the secrecy of confession was inviolable. Were it otherwise, no one would disclose his intended crimes to him, who of all men was most likely, by his advice and authority, to divert the sinner from the guilt which he meditated. As for himself he abhorred the plot as much as the most loyal of his persecutors; and had done to prevent it whatever in his conscience he could persuade himself that it was lawful for him to do. The attorney-general had indeed attempted to prove in him a traitorous intention from several circumstances: but these he could show proceeded from very different motives, and ought to lead to an opposite conclusion. The jury were not to judge from conjectures and presumptions; what he had asserted was the whole truth: nor had the prosecutor attempted to bring forward any direct evidence to the contrary. Though a verdict of guilty was returned, his friends professed themselves satisfied with the proceedings. All that had been proved against him was that he had not betrayed the secret confided to him in confession. The boast of Coke that he would show him to have been the author and adviser of the plot had failed; and Cecil himself had confessed, that they could produce nothing more against him than had been disclosed by his conference with Oldcorne. Under such circumstances, they asserted that if he were to suffer, he would suffer, not for treason, but for the conscientious discharge of his duty.*

Subsequent
examina-
tions.

March 31.

April 4.

April 6.

It is not improbable that Garnet's defence made a favourable impression on the mind of the king. Instead of being led to execution, he was thrice more examined, to ascertain whether it was in confession or out of confession that he had received the knowledge of the plot; and though he was told that Greenway was in custody, and had given a different account, he still persisted in asserting that he understood the secret to have been communicated to him under the seal of confession.† He was after-

* There are several accounts of this celebrated trial. That published by authority, under the title of "a true and perfect relation of the whole proceedings," has been reprinted in the *State Trials*, ii. 217: but from the partiality with which it evidently mutilates the answers and defence of Garnet, it should be compared with the relations published by his friends, which may be seen in *Bartoli*, 546. *More*, 316. and in *Mr. Butler's Memoirs*, ii. 124. Gerard in his MS. narrative, p. 137, remarks that the jury, when they returned their verdict, confined it to the guilt of having concealed the knowledge which he had received of the conspiracy. See note (D.)

† *Tortura Torti*, 425. *Causabon ad Frontonem Duc.* 132, 133.

wards interrogated respecting the doctrine of equivocation, and boldly declared that the practice of requiring men to accuse themselves was barbarous and unjust; that in all such cases it was lawful to employ equivocation, and to confirm, if it were necessary, that equivocation with an oath; and that if Tresham, as had been pretended, had equivocated on his death-bed, he might have had reasons which would justify him in the sight of God.* To these avowals I ascribe his execution. The man who maintained such opinions could not reasonably complain, if the king refused credit to his asseverations of innocence, and permitted the law to take its course. Six weeks after his trial the fatal warrant was signed. On the scaffold, according to the ambiguous language of the official account, he confessed his guilt; but if we may credit the letters of spectators, he denied all knowledge of the plot, except by confession; and though he begged pardon of the king, he was careful to add that it was not for any participation in the treason, but for the legal offence of having previously concealed the grounds of those suspicions which he had formed within his own breast. His pious and constant demeanour excited the sympathy of the crowd; their vociferations checked the impatience of the executioner, and the cruel operation of quartering was deferred till he was fully dead.†

April 28.

May 3.

And execution.

Though James was satisfied that the great body of the English catholics had been kept in ignorance of the plot, he still believed that all its ramifications had not yet been discovered. There could be no doubt that Fawkes had admitted associates in Flanders, and suspicion attached to Owen, a Welch catholic, and to Baldwin, a jesuit, who were both saved from prosecution by the obstinate refusals of the archduke and the king of Spain to deliver them into the hands of the English ambassador.‡ At home, the domestic relation between the earl of

Punishment of Catholic lords.

* "This I acknowledge to be according to my opinion and the opinion of the schoolmen. And our reason is, for that, in cases of lawful equivocation, the speech by equivocation being saved from a lye, the same speech may be without perjury, confirmed by oath, or by any other usual way, though it were by receiving the sacrament, if just necessity so require—Henry Garnet." Original in the State Paper Office in Garnet's own handwriting.

† It was reported generally that he had confessed his guilt. (Gunpowder Treason. Boderie, i. 49.) but that confession was confined to his concealment of his suspicions. More, 327. Butler's Memoirs, iii. 342, second edition. Chaloner, ii. 483. Eudæmon Joan. 349.

‡ Owen was servant to the king of Spain, who demanded the proofs of

Nov. 8. Northumberland and the traitor Percy was deemed a sufficient reason to place the former under restraint in the house of the archbishop of Canterbury; and the confession of the conspirators that Catesby wished to save the viscount Montague, and knew the intention of the lords Mordaunt and Stourton to be absent from parliament, led to the arrest of these three noblemen.* It was in vain that they protested their ignorance of the treason; they were condemn-

ed in the star-chamber to suffer imprisonment during the royal pleasure, and to pay fines to the king, the lord Stourton in six thousand, the lord Mordaunt in ten thousand pounds, and the viscount Montague in a still larger sum.† The earl was committed to the Tower, and repeatedly examined; but he answered from the beginning with an air of scorn and confidence, pointing out the method of discovering his guilt, if he were guilty,‡ and braving his

his guilt to be sent to Brussels, and promised to punish him if he were guilty. This was refused. Baldwin was apprehended in 1610 by the elector palatine, as he was passing through his dominions, and was sent to England. He underwent many examinations in the Tower, at the last of which the king assisted, but nothing was discovered to prove him guilty. Winwood, ii. 183. 187—189. 227. 232. iii. 211. 407. Bartoli, 517.

* Fawkes confessed that "Catesby told him lord Mordaunt would not be there the first day, because he would not be present at the sermon; for as yet the king did not know he was a catholique, and that the lord Stourton's occasions were such he could not come to town before the Friday after." Original MS. in the State Paper Office. There are in the same collection two letters from lord Montague to the lord treasurer, declaring his innocence, and denying that he had any warning of the plot. Cecil, in a letter to sir Thomas Edmonds, says, that Percy wished to save Northumberland and Mounteagle, and that Catesby knew Stourton, Mordaunt, and Montague, would be absent. Birch, 244.

† It was customary to compound for fines in the star-chamber. Northumberland compounded for £11,000, Montague for £4000, Stourton for £1000. I suspect Mordaunt's fine was entirely remitted. See "the Abstract of his Majesty's Revenue," p. 11.

‡ He required them to take the deposition of Percy before he died of his wounds. "He can show me clear as the day, or dark as the night. He will tell the truth, being about to render his account to God." Letter in the State Paper Office. See also *Les Ambassades de Boderie*, i. 122. 180. 299. *Collins' Peerage*, ii. 426. His examinations are in the State Paper Office, but contain nothing of consequence. In the Tower he applied himself entirely to scientific and literary pursuits, and by his liberality to men of learning, became the *Mécenas* of the age. From the number of mathematicians who were generally in his company, and ate at his table, he acquired the name of Henry the wizard. Among them were Hill, Allen, Hariot, Dee, Torperley, and Warner, "the Atlantes of the mathematical world," most of whom enjoyed annuities from his bounty. (*Collins*, ii. 438.) In the year 1611, Cecil conceived that he had discovered new matter against him, from the testimony of a dismissed servant. He was again subjected to examination, and again foiled the ingenuity or malice of his persecutor. (*Winwood*, ii. 287, 288.) In 1617, the king's favourite, Hay,

accusers to bring him to a public trial by due course of law. They preferred to arraign him, June 6. after a delay of seven months, in the star-chamber, on the following extraordinary charges:—1. That he had sought to be the head of the papists, and to procure toleration; 2. that he had admitted Percy to be a gentleman pensioner, without exacting from him the oath of supremacy; 3. that after his restraint he had written two letters to his servants in the north, requesting them to take care that Percy did not carry off his money and rents; and in this had committed a threefold offence,—1. in presuming to write letters without leave; 2. in preferring the safety of his money to the safety of the king; 3. in giving warning to Percy to take care of his own person. He was adjudged to pay a fine of £300,000, to be deprived of all his offices, to be held incapable of any for the future, and to remain a prisoner during life in the Tower. So severe a punishment excited surprise; but the real cause was, that he had long been the political antagonist of Cecil; that in the Tower he had displayed a spirit which alarmed the weak mind of James, and that he was supposed to be the individual to whom, had the plot succeeded, the conspirators would have offered the dignity of protector during the minority of the next sovereign. Lord Mounteagle received, in reward of his loyalty, lands to the yearly value of £200, and an annuity of £500 for life.*

The chief object for which the parliament had been summoned to meet in November was to supply the royal coffers, which James had emptied by profuse donations to his countrymen, and the extravagance of his establishment. After a long adjournment, occasioned by the discovery of the gunpowder plot, the two houses assembled. The lords appeared as usual to have no other wish than to gratify the sovereign; but the commons resumed that bold tone of expostulation and resistance which had given so much offence in the last session. They did not indeed refuse to relieve the wants of the king, though murmurs were heard respecting his indiscretion and prodigality, but they maintained, that every offer of money on their part ought to be met with a

Proceed-
ings in par-
liament.

Jan. 21.

afterwards earl of Carlisle, married his daughter Lucy against his will, which irritated him so, that when his son-in-law obtained from James an order for his liberation, it was with difficulty that he could be induced to accept the favour, after an imprisonment of thirteen years. See Birch, 246. Sydney papers, ii. 350.

* Boderic, i. 122. 180. 299.

corresponding offer of concession on the part of the crown; they brought forward a long catalogue of grievances in the practice of the ecclesiastical courts, in the administration of civil justice, and in the conduct of every department of government; and they sent, to use the significant expression of James, an oyes into every part of the country to find out grounds of complaint. The ministers had recourse to artifice and intrigue. They preyed and coaxed; they attributed the necessities of the king to a debt of £400,000 left by the last sovereign, to the charges of the army in Ireland, and to the expenses of a new reign; and while they conceded that James had been sometimes too liberal in his presents, sometimes too prodigal in his pleasures, they held out hopes of immediate amendment, and of strict attention to economy in future. Thus, partly by promises and partly by management, they contrived to elude every motion for reform, and to obtain a vote of three subsidies, and six tenths and fifteenths.*

Expostulation of
Henry IV.

But there was another question equally interesting to the passions of the members, and less likely to provoke dissention between them and the crown, the revision of the penal code, as far as regarded the prohibition of the catholic worship. To a thinking mind the late conspiracy must have proved the danger and impolicy of driving men to desperation by the punishment of religious opinion. But the warning was lost; the existing enactments, oppressive and sanguinary as they were, appeared too indulgent; and though justice had been satisfied by the death and execution of the guilty, revenge and fanaticism sought out additional victims among the innocent.

Feb. 3.

Every member was ordered to stand up in his place, and to propound those measures which in his judgment he thought most expedient. These, in successive conferences, were communicated by one house to the other, and in each motions were made and entertained as abhorrent from the common feelings of humanity as the conspiracy itself. Henry IV. of France thought it the duty of a friend to interpose with his advice; and Boderie, his ambassador,

April 5.

was ordered to represent to the king, that his master had learned from experience the strong hold which religion has on the human breast; that it

* Journal of Commons, 265—313. Cobbet's Parliamentary History, 1064. The three subsidies, and six tenths and fifteenths, added to four subsidies granted by the clergy, were estimated at £453,000. Abstract of his Majesty's Revenue, p. 11.

is a flame which burns with increasing fierceness in proportion to the violence employed to extinguish it; that persecution exalts the mind above itself, teaches it to glory in suffering, and renders it capable of every sacrifice in the cause of conscience; that much might be done by kindness—little by severity. Let him punish the guilty—it was his duty; but it was equally his duty to spare the innocent, even in opposition to the wishes of his parliament; as it was also his interest not to goad the catholics into plots for his destruction, but to convince them that they possessed a protector in the person of their sovereign.*

James was of a lenient disposition. He recommended moderation to his council; attempts were made to check the extravagance of the zealous: and after a long succession of debates, conferences, and amendments, the new code received the royal assent. It repealed none of the laws then in force, but added to their severity by two new bills, containing more than seventy articles, inflicting penalties on the catholics in all their several capacities, of masters, servants, husbands, parents, children, heirs, executors, patrons, barristers, and physicians. 1. Catholic recusants were forbidden under particular penalties to appear at court, to dwell within the boundaries, or ten miles of the boundaries of the city of London; or to remove on any occasion more than five miles from their homes, without a special license under the signatures of four neighbouring magistrates. 2. They were made incapable of practising in surgery or physic, or in the common or civil law; of acting as judges, clerks, or officers in any court or corporation; of presenting to the livings, schools, or hospitals in their gift; or of performing the offices of administrators, executors, or guardians. 3. Unless they were married by a protestant minister, each party was made to forfeit every benefit to which he or she might otherwise be entitled from the property of the other; unless their chil-

New penal code.

May 27.

* *Ambassades de Boderie*, i. 22. 80. James replied to the ambassador, who could not obtain an audience till the end of the session, that he was by disposition an enemy to harsh and cruel measures; that he had repeatedly checked the eagerness of his ministers; but that the catholics were so infected with the doctrine of the jesuits, respecting the subordination of the royal to the papal authority, that he was compelled to leave the matter to the decision of his parliament. The ambassador observed, that he ought at least to make a difference between those who held and those who rejected that doctrine. It was no article of the catholic faith, as had been fully proved in France, where many stanch catholics had lately aided the king in opposition to the papal bulls; and he had no doubt that the same opinion prevailed among the English catholics. *Ibid.* p. 82.

dren were baptized by a protestant minister within a month after the birth, each omission subjected them to a fine of £100: and if after death they were not buried in a protestant cemetery their executors were liable to pay for each corpse the sum of £20. 4. Every child sent for education beyond the sea, was from that moment debarred from taking any benefit by devise, descent, or gift, until he should return and conform to the established church: all such benefit being assigned by law to the protestant next of kin. 5. Every recusant was placed in the same situation, as if he had been excommunicated by name, his house might be searched, his books and furniture, having or thought to have any relation to his worship or religion, might be burnt, and his horses and arms might be taken from him at any time by the order of neighbouring magistrates. 6. All the existing penalties for absence from church were continued, but with two improvements, 1. it was made optional in the king, whether he would take the fine of £20 per lunar month, or in lieu of it all the personal, and two-thirds of the real estate; and 2. every householder, of whatever religion, receiving catholic visitors, or keeping catholic servants, was liable to pay for each individual £10 per lunar month.* 7. A new oath of allegiance was devised for the avowed purpose of drawing a distinction between those catholics who denied, and those who admitted the temporal pretensions of the pontiffs. The former, who it was supposed, would take the oath, were made liable by law to no other penalties than those which have been enumerated: the latter were subjected to perpetual imprisonment, and the forfeiture of their personal property, and of the rents of their lands during life: or if they were married women, to imprisonment in the common jail, until they should repent of their obstinacy, and submit to take the oath.

Oath of
allegiance. That James in the proposal of the last measure had the intention of gradually relieving one portion of his catholic subjects from the burden of the penal laws, is highly probable: but whether those to whom he committed the task of framing the oath, archbishop Abbot and sir Christopher Perkins, a conforming jesuit, were animated with similar sentiments, has been frequently disputed.

* The fine of £10 per month for a catholic servant was found an intolerable burthen. "Il y eut l'autre jour un seul seigneur qui donna congé à soixante. J'en scas d'autres de très bonne qualité, qui sont résolus de souffrir tout plutôt que de congédier les leurs. C'est une dangereuse arme que le désespoir en mains de personnes qui n'ont rien à perdre." July 20, i. p. 232. He says that almost all the lords had many catholics on account of their greater fidelity.

They were not content with the disclaimer of the deposing power: they added a declaration that to maintain it was impious, heretical, and damnable. It was evident that many, willing to make the former, would hesitate to swear to the latter; and that the supporters of the obnoxious doctrine would gladly justify their refusal of the oath by objecting to this impolitic and unnecessary declaration. The great, the only point of importance was the rejection of the temporal superiority attributed by many theologians to the pontiff: and it is equally a matter of surprise, that the king on the one hand should have allowed the introduction of a clause calculated to prevent his own purpose, and that the catholics on the other did not petition that such clause should be totally expunged, or at least cleared from the hyperbolical and offensive epithets with which it was loaded. The oath, however, as it was framed, received the approbation of the legislature; and it was ordered that all recusants convicted, all individuals suspected of catholicity, because they had not received the sacrament twice in the protestant church during the last twelve months, and that all unknown persons travelling through any county, should be summoned to take it, under the heavy penalties, which have been already mentioned.

When these enactments were published, they excited surprise and dismay. The French minister pronounced them characteristic of barbarians rather than christians;* the lords of the council ashamed of their own work, deliberated on expedients to mitigate their severity; and many catholics, alarmed at the prospect before them, bade adieu to their native country; while those who remained, animated each other to forfeit their liberty, property, and lives, rather than forsake their religion.† With these the lawfulness of the new oath became a question of the highest import. The missionaries were divided in opinion: the jesuits in general condemned it; Blackwall the archpriest, with his assistants of the secular clergy, decided in its favour. The

July 15.

* "Elles sont inhumaines et plus barbares que chrétiennes." Villeroiy a Boderie. June 25. i. 172.

† "Beaucoup de catholiques se préparent à s'en aller; voire y en a de si vieux que je vois ne chercher qu'une terre étrangere pour s'enterrer: et néanmoins si en reste-t-il encore un si grand nombre, qui ne s'étonnent point de toutes ces menaces, que c'est certes chose admirable..... La plupart des dames de qualité sont catholiques, et n'y en a pas une qui ne cache chez elle un prêtre." Boderie, June 21, vol. i. p. 161. "Tant s'en faut que cela fasse perdre cœur auxdits catholiques, qu'il semble qu'ils s'en animent davantage; et au lieu de retirer de ladite religion ceux qui sont reconus d'en être, il s'en déclare tous les jours qui ne le paroissent point auparavant." Ibid. June 26. p. 178.

controversy was carried to Rome, and while the friends of the former called for vigorous and decisive measures, the king of France admonished the pontiff to beware, lest by irritating James he should give occasion to the final extinction of the catholic worship in England.*

Condemned by the pope. The reigning pope was Paul V. During the discussions in parliament he had despatched a secret envoy to England, who, under the disguise of a messenger from the Duke of Lorraine, obtained admission at court. He was the bearer of two

June 3. letters, one to the archpriest instructing him to prohibit by papal authority all seditious and treasonable practices, the other to the king, expressing on the part of the pontiff the deepest detestation of the late plot, and soliciting the royal protection for the innocent catholics. Though James professed himself pleased, and ordered the accustomed gratuity to be given to the envoy, his answer was cold and unsatisfactory.† When Paul learned the failure of this mission, he yielded to the clamour which the enactments in Eng-

Sept. 3. land had excited at Rome; and Holthy, who had succeeded to Garnet as superior of the jesuits, put into the hands of the archpriest a papal breve, condemning the oath of allegiance, as unlawful to be taken, because "it contained many things contrary to faith and salvation." Blackwall, aware of the consequences, received it with feelings of the most profound grief; and when he notified it to his flock, was careful to append to it an admonition, that it was to be considered only as the private dictum of Paul V.

The publication of the breve sharpened the resentment of James. By his orders the bishops began to tender the oath in their respective dioceses, and the recusants by whom it was refused, were condemned at the assizes in the barbarous penalties of præmunire. Three missionaries, lying under the sentence of death for the exercise of their priestly functions, were summoned to take it; they pleaded scruples of conscience, and received orders to prepare for execution. Two owed their lives to the timely intercession of the prince of Joinville, and the French ambassador. Drury, the third, suf-

* "Ils prétendent prouver que l'indulgence et patience dont sa sainteté s'est gouvernée avec lui, augmente l'audace des auteurs de tels conseils, empire la condition desdits catholiques, et sera cause à la fin de leur entière destruction. Ils ont à cette fin envoyé exprés vers le pape un des principaux de leur compagnie.....Toutefois sa majesté continuera de faire son possible pour maintenir sa sainteté dedans les termes susdits." Villeroy à Boderie, June 18. p. 150. 200.

† See Boderie, i. 123. 284. 300. 327.

ferred the punishment of a traitor. He was one of those, who had signed the protestation of allegiance to Elizabeth, and who believed in his own judgment that the oath of James was equally admissible. But he dared not prefer his private sentiments before those of the pope, and of many among his brethren, and chose to shed his blood rather than pollute his conscience by swearing to the truth of assertions, which he feared might possibly be false.*

1607.
Mar. 24.

In the course of the next summer the arch-priest himself fell into the hands of the pursuivants. His opinion was already known; he cheerfully avowed it in the presence of the commissioners at Lambeth; and in a circular letter to the catholics announced that he had taken, and that he deemed it lawful for them to take the oath, in the sense in which it had been explained by the lawgiver, the king himself. His conduct was highly applauded by James: yet so violent were the prejudices of the zealots, that though he lamented the imprisonment of the old man, he dared not grant him any other indulgence, than that he should not be brought to trial on the capital offence, of having received holy orders beyond the sea. He was in his seventieth year, and languished in confinement till his death in 1613.†

Approved
by the arch-
priest.

This submission of Blackwall was considered as a triumph: the admonitory letters sent to him by Persons and Bellarmine, the appointment of Birket as archpriest in his place, and the publication of the second breve confirmatory of the first, successively raised the indignation of the king to the highest pitch. Sending for his favourite theologians, he shut himself up with them in his study, refusing to listen to his ministers, postponing the most urgent affairs of state, and denying himself even the pleasures of the chase. The fruit of his re-

James
writes in
favour of
the oath.

* When Boderie begged a reprieve for him and his companion Davies, James granted it for the latter, but with so bad a grace that the ambassador determined never more to ask a similar favour. The real cause of Drury's death was, he says, that a copy of a letter from father Persons against the oath had been found in his possession. See Boderie, ii. 102. 256. Howell's State Trials, ii. 358.

† Boderie, ii. 313. 327. 350. See a most interesting account of his examination in Mr. Butler's Memoirs of the English Catholics, 3d edition, ii. 204. Blackwall's letter is in Collier, ii. 694. He would never retract, though he received several exhortatory letters from the cardinals Arrigoni and Bellarmine, and the jesuits Persons and Holtby. He constantly maintained that the oath did not affect the spiritual supremacy of the pope, but only rejected his temporal pretensions. Bartoli, 597.

tiement at last appeared in a tract entitled "An Apologie for the Oath of Allegiance," which was immediately translated into the Latin and French languages.* It was followed by the condemnation of six priests for the exercise of their functions; they refused the oath: their obstinacy was not subdued by the perusal of the king's tract; and three out of the six paid the forfeit of their lives, one at York and two at Tyburn.†

The king was now fairly launched on the sea of controversy, where he believed himself an equal match for any opponent. It was not long before he received answers to the "Apologie," from Persons and Bellarmine. Vanity urged him to refute their arguments, resentment to chastise their presumption. His theological coadjutors were again summoned to his closet: his former work was revised, and to it was prefixed an address, called a præmonition to all christian princes. He made, however, but little progress: every particular question gave birth to endless debates; and what with objections, and improvements, and diversity of opinions, it was found that at the end of several weeks, the work was scarcely more advanced than it had been at the commencement. The kings of France and Denmark exhorted him to desist from a contest unworthy of a crowned head. To the former James replied in terms of respect: but the latter he admonished to consider his own age, and to blush at his folly in offering advice to a prince so much older and wiser than himself. The queen having tried her influence in vain, turned her anger against the earl of Salisbury, whom she suspected of encouraging her husband in this pursuit, that he might govern the kingdom at his pleasure.‡ But though the mountain had been long in labour, though the public had been kept for months in breathless suspense, when the hour of parturition arrived, it was unexpectedly deemed prudent to suppress the birth.§ A new light had burst on the mind of James: he ordered all the printed copies to be called in, the work to be again revised and corrected; and after many new alterations, gave it at last to the world in a less voluminous and less

* See Boderie, iii. 103. 131. 164. 190.

† Ibid. 227. Challoner, ii. 19—23.

‡ Boderie was, however, of a different opinion. "La présomption seule qu'il a de sçavoir plus en théologie que tous les docteurs du monde, en est l'unique cause." Ibid. iv. 319.

§ It was full of dissertations on the vials in the Apocalypse, which made the French ambassador declare that the book was "Le plus fou, s'il m'est loisible d'ainsi parler, et le plus pernicieux que se soit jamais fait sur tel sujet." iv. 302.

offensive form.* Special messengers were despatched to present it to the several princes in Europe: by most it was accepted as a compliment, by the king of Spain and the archduke it was peremptorily refused.†

Controversy respecting it.

Neither the publications of James and his divines, nor those of his adversaries, determined the controversy, which continued to divide the catholics for the greater part of the century. On the one hand the oath was refused by the majority of those to whom it was tendered: on the other it was taken by many of considerable weight both among the clergy and laity. Among the latter are to be numbered the catholic peers, (they amounted to more than twenty) who, with a single exception, spontaneously took the oath on different occasions in the upper house of parliament.‡

* See Boderie throughout almost every despatch in the fourth volume. The chief corrections consisted in the arguments to prove the pope to be antichrist, which were now softened down to prove that he was antichrist only inasmuch as, and as long as, he should pretend to temporal power in the dominions of others. Winwood, iii. 55, 56, 66. It was called *Apologia pro juramento fidelitatis, præmissa præfatione monitoria*. Birch 298, 299.

† He also made presents of both the English and Latin editions to the English prelates. Matthews, archbishop of York, threw himself on his knees to receive them from the messenger, kissed them, promised to keep them as the apple of his eye, and to read them over and over again. Sir Patrick Young to the king, June 19, 1609. Dalrymple's Memorials, p. 13. See note (E.)

‡ This will appear from a diligent perusal of the journals. The lord Teynham alone eluded it, by never attending his duty in parliament more than once during each session.

CHAP. II.

JAMES I.

JAMES AND HIS CONSORT ANNE OF DENMARK—INSURRECTION—
UNION OF ENGLAND AND SCOTLAND—KING'S EXPENSES—PRO-
CEEDINGS OF PARLIAMENT—MARRIAGE, IMPRISONMENT AND
DEATH OF ARABELLA STUART—DEATH OF PRINCE HENRY—RISE
OF CARR, EARL OF SOMERSET—DIVORCE OF EARL AND COUNTESS
OF ESSEX—RISE OF GEORGE VILLIERS, DUKE OF BUCKINGHAM
—ARREST AND TRIAL OF EARL AND COUNTESS OF SOMERSET—
DISGRACE OF COKE—TRANSACTIONS WITH HOLLAND—ERRORS
OF VORSTIUS—SYNOD OF DORT—INTRODUCTION OF EPISCOPACY
INTO SCOTLAND—VISIT OF JAMES TO EDINBURGH—COMMISSION
OF GRACES IN IRELAND—FLIGHT OF TYRONE—PLANTATION OF
ULSTER—PROCEEDINGS OF IRISH PARLIAMENT—NEW PLANTA-
TIONS.

Occu-
pations of the
king.

WHEN James prorogued the parliament in 1606, he had been more than three years on the throne, and yet had made no progress in the esteem, had acquired no place in the affections of his English subjects. It was in vain that he sought by speeches and proclamations to earn the reputation of political wisdom; his inattention to business, and his love of dissipation, provoked remonstrances and complaints. Twice in the week the king of England devoted his time to the amusements of the cock-pit;* day after day the chase kept him on horseback from the dawn till the evening:† and the fatigue of the chase was always relieved by the pleasures of the table, in which he frequently indulged to excess.‡ The consequence was, that questions of great national importance were suffered to remain unno-

* "Il vit combattre les cocqs, qui est un plaisir qu'il prend deux fois la semaine." Boderie, i. 56. I observe that the fee of the master of the cocks, £200 per annum, was equal to the united salaries of two secretaries of state. Abstract of the king's revenue. p. 45, 47.

† See the letters in Winwood, ii. 46. Lodge, iii. 245. 247. 311. 332. 335. 337. Boderie, i. 195. 302. 396. ii. 101.

‡ See Boderie, i. 241. 283. iii. 197.

toed; and not only foreign ambassadors, even his own ministers were occasionally debarred during weeks together from all access to the royal presence. On their knees they prayed him to give more attention to the public business; anonymous writers admonished him of his duty by letters: the players held up his foibles to ridicule on the stage: but the king was not to be moved. He replied that he did not intend to make himself a slave: that his health, which "was the health and welfare of them all," required exercise and relaxation; and that he would rather retrace his steps to Scotland, than consent to be immured in his closet, or chained to the council table.*

His consort, Anne of Denmark, could boast of some pretensions to beauty, to which she added considerable abilities and spirit. She hesitated not to avow her contempt for the weaknesses of the king; frequently assumed a superiority, which made him feel under constraint in her presence; and on some occasions presumed even to dispute the royal authority. James was believed to be a faithful husband: nor did the voice of scandal, which had been heard only to whisper in Scotland, ever dare to breathe upon *her* character in England.† The public voice accused her of favouring the Spanish interest, and of nourishing in her son Henry a contempt for the peaceful disposition of his father: but whether it were suggested by her own prudence, or required by the English council, from the moment of her arrival on this side of the Tweed, she abstained in a great measure from political intrigue, and devoted her attention to the amusements and the pageantries of the court, pursuits in which she greatly excelled. To display to advantage the grace of her person and the richness of her dress, to exact and receive the homage of all around her, to shine the first among her ladies in a succession of balls and masks, became her principal study. No expense, no decoration was spared to give splendour to these entertainments: the first poets of the age were employed to compose the speeches, the first artists to frame the machinery: and Anne herself, with her favourite

Of the
queen.

* Id. i. 302. 310. ii. 244. 279. 440. iv. 21. Winwood, ii. 54. 217. The players represented him in his passion, sometimes cursing his hounds and falcons, sometimes striking his servants, and drinking to intoxication at least once a day. Boderie, iii. 196, 197. On one occasion the king's favourite dog, Jowler, which had been lost, returned with the following letter tied to his neck. "Good Mr. Jowler, we pray you speak to the king, (for he hears you every day, and so doth he not us,) that it will please his majestie to go back to London, for els the contry wilbe undoon; all our provision is spent already, and we are not able to intertayne him longer." Lodge, iii. 245.

† Peyton, 332. 335. 339. 346.

attendants, surprised and delighted the court by appearing successively in the disguise of a goddess or a nereid, of a Turkish sultana or an Indian princess. There was, however, one drawback from the pleasure of such exhibitions, which will hardly be anticipated by the reader. Ebriety at this period was not confined to the male sex, and on some occasions females of the highest distinction, who had spent weeks in the study of their respective parts, presented themselves to the spectators in a state of the most disgusting intoxication.*

James had scarcely recovered from the panic excited by the gunpowder treason, when he was

alarmed by an insurrection in the very heart of the kingdom. It was provoked by the rapacity of the lords of manors, who had enclosed for their own use large parcels of lands that had hitherto been common, and had thus diminished the usual means of subsistence to their poorer tenants. The practice was begun by those, who having obtained church lands during the reformation, sought to make the most of their new possessions; and it had been continued to the reign of James, in defiance of popular tumults, legislative enactments, and royal proclamations. There was no grievance which the people felt more keenly, or which they were more disposed to redress by open violence. Of late the individuals to whom the forfeited lands of the gunpow-

* When Christian IV. of Denmark visited the king in 1606, Cecil gave a grand entertainment and mask at Theobalds, in honour of the royal stranger. The following extract from a letter written by one of the guests, will amuse the reader. "Those whom I never could get to taste good liquor now follow the fashion and wallow in beastly delights. The ladies abandon sobriety, and are seen to roll about in intoxication. After dinner the representation of Solomon in his temple, and the coming of the queen of Sheba was made, or, (as may I better say) was meant to have been made.....The lady who did play the queen's part, did carry most precious gifts to both their majesties; but forgetting the steppes arising to the canopy, overset her caskets into his Danish majesty's lap, and fell at his feet, though I rather think it was in his face. Much was the hurry and confusion; cloths and napkins were at hand to make all clean. His majesty then got up and woud dance with the queen of Sheba, but he fell down and humbled himself before her and was carried to an inner chamber, and laid on a bed of state, which was not a little defiled with the presents of the queen.....The entertainment and show went forward, and most of the presenters went backward or fell down: wine did so occupy their upper chambers. Now did appear in rich dress Hope, Faith, and Charity. Hope did assay to speak, but wine did render her endeavours so feeble that she withdrew. Faith was then all alone, for I am certain she was not joynd with good works, and left the court in a staggering condition. Charity came to the king's feet, and seemed to cover the multitude of sins her sisters had committed; in some sorts she made obeysance, and brought gifts....She then returned to Hope and Faith, who were both sick and spewing in the lower hall." *Nugæ Antiquæ*, i. 348, 349, 350. edit. 1804.

der conspirators had been given, had encroached on the commons as others had done before them: the sufferers, being joined by their neighbours who could remember similar provocations, presented a remonstrance to the council; and finding their complaint treated with neglect, assumed the right of doing justice to themselves. Suddenly lawless assemblages of men, women, and children, were observed in the three counties of Northampton, Warwick, and Leicester. They seldom amounted to less than one thousand men; at Hill Norton, the former estate of Francis Tresham, they reached to three, at Cottesbich to five, thousand. They appeared to be under the guidance of certain unknown persons, who were never seen in public without masks; Reynolds, the avowed leader, took the name of captain Pouch, from an enormous pouch which he carried on one side. This man was an impostor or an enthusiast. He pretended to act under the inspiration of God, and with the license of the king: he pronounced himself invulnerable, and declared that he carried in his pouch a spell which would insure success to his followers. He strictly forbade them to use profane words, to employ personal violence, or to perform any illegal act, which was not necessary for the abatement of the new inclosures. They faithfully obeyed his orders. The park walls were demolished, fences levelled, and dikes filled up. Wherever the rioters appeared, the inhabitants received them with expressions of joy, and through fear or affection, supplied them with tools and provisions. If any gentleman ventured to remonstrate, he was immediately placed among the labourers, and compelled to join in the work of demolition.

1607.
May 15.

At the first report of this commotion James knew not whether to suspect the catholics or the puritans: the guards in the palace were doubled; and the lord mayor was instructed to watch the motions of the apprentices within the city. More accurate information relieved his terrors. The insurgents were commanded by proclamation to disperse: but they maintained that their occupation was lawful: they were employed in executing the statute against new inclosures. The lords lieutenants endeavoured to raise the counties: but few of the inhabitants were disposed to incur the resentment of their poor and exasperated neighbours. At last the noblemen who possessed lands in the disturbed districts, were ordered to repair to their estates; and the gallants at court received a hint that their services would be more acceptable in the field. Thus several bodies

May 27.

of horse were gradually formed; they hastened to the disturbed districts, and traversed them in every direction, charging, routing, and slaying the insurgents wherever they attempted to make resistance. To the commissioners appointed to punish the guilty, James recommended moderation and pity. The people, he observed, were not so much to blame. They had been oppressed; and, had not the council intercepted their petitions, would have found redress from his justice. This was the cause of their rising. If they had transgressed the law, they had been driven to it by the rapacity of their lords, and the neglect of the ministers. Captain Pouch and his chief associates suffered as traitors, because they had appeared in arms against the king; several of his followers as felons, because they had not dispersed at the reading of the proclamation. This insurrection, so slowly but easily suppressed, proved the weakness of the government; and the French ambassador assured his court that if any nobleman of talent and popularity had placed himself at the head of the rioters, he would have found it no difficult task to drive back the Scottish prince to his native country.*

June 28. In the estimation of thinking men the ministers were not less culpable than their sovereign. If he displayed no solicitude to establish himself in the affections of his English subjects, they were thought too willing to indulge him in that indolence and dissipation, which transferred to them in a great measure the government of the kingdom. The chief among them were the earls of Salisbury and Northampton, who, of sworn brothers and associates, insensibly became rivals in the pursuit of wealth and power.† But it was not long before Salisbury acquired the ascendancy. His slow and cautious policy, the fertility with which he invented expedients to disguise his own projects, and the sagacity with which he discovered the real or imaginary designs of foreign courts, endeared him to the timid and suspicious disposition of James; and the familiar appellation of "my little beagle,"‡ proved the high place which he held in the estimation of the sporting monarch. Northampton was thought to lean towards the interest of Spain, his more wary rival flattered the secret though unavowed inclination of the king, who, afraid of waging open war against that power, laboured by clandestine means to

Salisbury
and North-
ampton.

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* Stow, 889. Boderie, ii. 279. 291. 299. 312.

† Boderie, ii. 135. 201. 440. iii. 344. iv. 21.

‡ Lodge, iii. 272. Sydney papers, ii. 352.

support and multiply its enemies. It chanced, however, that Anne quarrelled with Northampton; a forced reconciliation, procured by the authority of James, settled into a rooted antipathy; and Salisbury improved the opportunity to secure to himself the good graces of a princess, who with her son, the heir apparent, had hitherto looked on him as a secret enemy. He resigned to her the property of his house at Theobalds; and though he received in exchange more than double the value, had the art to persuade the king and queen that he had done them a favour.* From the year 1599 he had been master of the court of wards, the most lucrative office possessed by any subject in christendom:† now, on the death of the earl of Dorset, he succeeded him as lord high treasurer, at the special request of the king.‡ This was a grievous mortification to his rival Northampton, who had openly solicited the office; as a compensation James bestowed on him that of keeper of the privy seal, which, if it were inferior in rank and emolument, yet gave precedence in the council, and brought with it the allowance of a plentiful table at court, and fees to the annual amount of £5000.§

May,
1697.

1608.
May 6.

Among the projects which James had formed, there was one upon which he had set his heart, but in which he was strongly opposed by the prejudices of his subjects of both nations. His accession had given to England and Scotland the same head; he wished to unite them in one body. Their obedience to a common sovereign had removed the ancient causes of hostility: but the king looked to a more perfect incorporation, which should communicate to all his subjects the same rights, and should make them all amenable to the same laws. It was a magnificent, but a premature and therefore an imprudent design. James seems not to have been aware of the force of national prejudice; that animosities which have been growing for ages, are not to be eradicated in two or three years; and that the laws and institutions of a people cannot

Union of
England
and Scot-
land.

* "On lui baille par ladite échange une terre beaucoup plus noble, en beaucoup plus belle assiette, autant et plus de domaine et beaucoup meilleurs, et deux cens mille francs pour bâtir une autre maison.....néanmoins encord a-t-il fort obligé le roi son maître." Boderie, ii. 254.

† Winwood, i. 41. Boderie valued it at 100,000 crowns. In this court he disposed of the marriages of widows, and leased out the lands of minors for one third of the real worth. Aulic. cocquin. 155.

‡ "My master hath laid this honour upon me without suit and without merit." Sydney papers, ii. 326. But Boderie says it was procured for him by the queen, iii. 302.

§ Id. iii. 248. 302. Winwood, ii. 399.

be changed at once, unless by the stern decree of a conqueror. The name of union was received with horror by the Scots, who associated with the sound the idea of national subjection; by the English with scorn, as an invitation given to their poorer neighbours to descend from their mountains, and fatten on the good things of the land. The liberality of the king to his Scottish followers, had created a strong prejudice against any measure which might draw more of his countrymen into England; and the pretensions of the Scottish nobility to take precedence according to the antiquity of their titles, had alarmed the pride of many among the English peers who belonged

1604.

May 10.

to new families, the descendants of men ennobled since the reformation.* By the English parliament the king's proposal was received with coldness, by the Scottish with aversion; nor could the prayer of James obtain from the former, nor his threats extort from the latter, any thing more than the appointment of commissioners

Oct. 20.

Dec. 2.

to meet and deliberate on the question. These, after several conferences, agreed that all hostile laws between the two kingdoms ought to be repealed; that the border courts and customs should be abolished; that there should be free intercourse of trade throughout the king's dominions, and that the subjects of each should be naturalized in the other.† Though these propositions did not equal the expectations of James, he was content to accept them as a foundation for the superstructure which he meditated, and immediately assumed by proclamation the new style of King of Great Britain.‡ When, however, they were laid before the parliament, the two first only were adopted.

1607.

Feb. 25.

The king addressed the commons by letter; he harangued them in person; he detailed the advantages of the proposed measures; he answered their objections; he assured them of his equal attachment to his subjects of each nation.§ But his eloquence was

* Boderie, i. 425. 440. Winwood, iii. 117.

† Winwood, ii. 20. 38. Journals of commons, 318—323. It is a singular circumstance that the commissioners held these conferences in the very mansion which Percy had hired for the purpose of working the mine under the parliament house; so that the conspirators were for several weeks prevented from commencing their work.

‡ Rymer, xvi. 603.

§ See his speeches in the Journals, 314. 357. 366. Somers' Tracts, ii. 118. and his letter in Lodge, iii. 232. The chief opposition was in the commons: in the lords it had been confined to the earls of Arundel, Pembroke, and Southampton, and the lords Mounteagle and Burleigh. James sent for them, reproached them with ingratitude, and dismissed them, after they had promised on their knees to vote for him in future. Boderie, ii. 200.

poured in vain; it only provoked angry discussions, in which his own conduct was not spared: and the foulest aspersions were thrown on the national character of his countrymen.* Such language exasperated the pride of the Scots; they scorned a benefit which was grudged them by the jealousy of their opponents; and the inflexible hostility of the two people compelled the king to withdraw his favourite question from the consideration of either parliament.†

1607.
March 28.

He had, however, the means of establishing the naturalization of all his subjects in both kingdoms by a decision in the courts of law. During the conferences several of the judges had given their opinion, that all persons born under the king's obedience, were, by that very circumstance, naturalized in all places under his dominion at the time of their birth; a doctrine most important in its consequences; for, though it excluded the generation in existence at his accession, yet it comprehended all that followed it, and would of course confer in a few years the benefit of naturalization on all the natives of both countries. James was careful to inculcate this doctrine in the proclamation by which he assumed his new title; and it was supported by ten out of eleven judges, who were consulted by the house of lords. But the commons refused to submit to their authority; and, to bring the question to an issue, two suits, one in the chancery, another in the king's bench, were instituted in the name of Robert Calvin, a native of Scotland, born since the death of Elizabeth. It was pleaded in abatement that he was an alien; and a demurrer to the plea brought the question into the exchequer chamber for the solemn opinion of the judges. Two, Walmesley and Foster, pronounced against Calvin; the other twelve with the lord chancellor, in his favour. The right of the postnati was thus established; though the legality of the decision remained still a question among the most eminent lawyers, many of whom contended,

Naturaliza-
tion of
British sub-
jects.

1604.
Oct. 25.
1608.

1608.
Trin. Term.

* For a speech of this description. sir Christopher Pigott was dismissed from his place, and sent to the Tower. Journals, 333. 335. The king had said that through affection for the English, he dwelt in England; one of the members observed, that he wished he would show his affection to the Scots by going to reside among them, for procul a numine procul a fulmine. Boderic, ii. 223.

† Boderic, ii. 142. 148. 302.

that the opinion of the judges had been influenced by the wishes of the sovereign.*

The incorporation of the two kingdoms, and the uniformity of religious worship, were the King's expenses. only two questions on which the king distrusted the judgment of his favourite minister. In regard to the first, he suspected him of national prejudice; to the latter of secret puritanism. On all other questions of importance, James consulted him as an oracle, and was uniformly governed by his advice.† But Cecil found that his cares multiplied with his honours; and that his new office of treasurer, if it invested him with wealth and patronage, also surrounded him with difficulties, which, with all his ingenuity, he was unable to surmount. In Scotland, the king had lived in poverty, the pensioner of Elizabeth; when he ascended the English throne, he fancied himself in possession of riches which no prodigality could exhaust. His household, and those of his queen and children, were calculated on the most extensive scale;‡ his entertainments were of the most costly description, and his presents to his Scottish followers, and to foreign envoys, to those who claimed reward for their services, or had the good fortune to attract his favour, were valuable and profuse beyond precedent.§ He was not to be deterred by remonstrance. To spend was *his* province, to

* See More's report of the proceedings in parliament, Coke's report of Calvin's case, and the speeches of Bacon and Ellesmere, printed in the second volume of Howell's State Trials, p. 559—696. That the dissentients were Forster and Walmesley, justices of the court of common pleas, is plain from the assertion of the chancellor that their surnames were Thomas. There was only one other judge of that name, Fleming, who both in the house of lords, and in the exchequer chamber, gave his voice for the affirmative.

† Boderie, ii. 356. iii. 225. 302. iv. 39.

‡ Even the household of Henry and Elizabeth, two children, amounted to a hundred and forty-one persons, fifty-six above, and eighty-five below stairs. Birch's Life of Prince Henry, p. 35. Lodge, iii. 182. 254. In 1610, that of the prince alone had increased to four hundred and twenty-six individuals, of whom two hundred and ninety-seven were in the receipt of salaries, besides the workmen employed under Inigo Jones. Archæol. xii. 85.

§ Lodge, iii. 180. Winwood, ii. 43. iii. 117. Thus, for example, at the marriage of sir Philip Herbert with lady Susan Vere, he made the bridegroom a present of lands to the yearly value, as some say, of £500, as others, of £1200. At the marriage of Ramsey, viscount Haddington, with lady Elizabeth Ratcliff, he paid Ramsey's debts, amounting to £10,000, though he had already given him £1000 per annum in land, (Winwood, ii. 217.) and sent to the bride a gold cup, in which was a patent containing a grant of lands of £600 a year. Lodge, ii. 254. 336. Boderie, iii. 129. From the abstract of his revenue I find, that his presents at different times in money to lord Dunbar amounted to £15,262; to the earl of Mar to £15,500; to viscount Haddington £31,000.

provide money that of his ministers. The treasury was drained; privy seals and forced loans, the usual expedients of his predecessors, produced but scanty and occasional supplies; and so great was the royal poverty, that sometimes the purveyors refused provisions for the king's table; sometimes the treasurer was surrounded in his carriage by the inferior officers of the court, clamorously demanding the arrears of their salaries.*

It was fortunate for Cecil, that when he took his seat at the treasury, only a portion of the three subsidies voted in the last parliament had found its way into the royal coffers. The remainder, as it came in, was by his direction put aside to satisfy the king's creditors; to it were added several large sums raised by the sale of lands belonging to the crown: and in the course of two years the royal debts were reduced from thirteen to four hundred thousand pounds. At the same time, to cover the annual deficiency of the income, he had recourse to the feudal aid of twenty shillings from every knight's fee towards the knighthood of the king's son, and to the imposition of additional duties, by the sole power of the crown on almost every article of foreign commerce.† The legality of this proceeding was indeed disputed by the country; but the court of exchequer gave judgment in favour of the king, in opposition to the general doctrine, that according to law, no public money could be raised unless by virtue of an act of the legislature.‡

1608.
May.
1609.
June 10.

For more than two years the parliament had been successively prorogued, through the unwillingness of James to meet the men who had presumed to question his prudence, and to speak irreverently of his pleasures. In 1610 his obstinacy was compelled to yield to necessity: and though he declined to open the session in

New plan
of finance.

* Boderie, ii. 16. 413. 427. 440. iii. 70. 72. 103. 189. Lodge, iii. 172.

† See Boderie, iii. 342. 421. iv. 370. Winwood, iii. 123. The aid of twenty shillings produced only £21,800. Abstract of his majesty's revenue, p. 10. The new impositions were laid at the rate of five per cent. on the value of the goods, and were calculated to have produced £500,000 more per annum. Boderie, iii. 342. At first they must have had a contrary effect, if it be true that "the customs of London fell that year £24,000, and fewer ships arrived by 360." Winwood, iii. 155. It will perhaps appear singular to the reader that Cecil himself should have been the farmer of the customs. In 1604 he had taken them at an advance of £28,600.

‡ In the court of exchequer judgment was given against Bates, a merchant, who had paid the legal poundage of two shillings and sixpence per hundred weight on a cargo of currants, but refused to pay the impost of five shillings in addition. The speeches of the two judges, Clark and Fleming, may be seen in Howell's State Trials, ii. 382—395.

person, he consented, in order to propitiate the commons, to replace on the commission of the peace those members whom he had previously removed in punishment of their opposition to his measures. In a conference of the two houses, the treasurer ventured to explain his new plan of finance. In the first place he demanded an immediate supply of £600,000 to relieve the existing wants of the king; and, secondly, a yearly addition of income to the amount of £200,000 to prevent their recurrence. In return, he exhorted them to make known their grievances, and promised that the liberality of the sovereign to his people should be commensurate with their liberality to him. The proceedings which grew out of this communication will prove interesting to those who study the constitution of their country.*

1. Considerable rivalry had long existed between the courts of common and civil law: the latter bitterly complained of the "prohibitions" issued by the former; and James, in his attempts to silence these disputes, could not conceal his predilection in favour of a code which magnified the power and the rights of the sovereign. On this subject a book entitled "The Interpreter," had been lately published by Dr. Cowell, a civilian, at the solicitation, it was supposed, of the archbishop, and with the private approbation of James. Under the heads of "king, subsidy, parliament, and prerogative," Cowell had laid down principles subversive of the liberties of the subject. Transferring to the king of England all those powers which had been exercised by the emperors of Rome, the author contended that he was not bound by the laws of the realm; that in virtue of his prerogative he could make laws without the consent of parliament; and that if the two houses were summoned to concur in the grant of subsidies, it was a mere matter of favour, not of right. The commons were alarmed: they claimed the aid of the lords to punish the author of doctrines so new and unconstitutional; and James, unwilling to provoke those whom it was his interest to conciliate, informed both houses by message, that having sent for the author, and considered his explanation of the objectionable passages, he had determined to suppress the work, and to look on those who should defend it as his enemies. Cowell expiated his offence by a short imprisonment; the sale of his book was forbidden by proclamation.†

* Winwood, iii. 123, 124. Boderic, v. 189. Journals, 393.

† Journals of Commons, 400. 409. Of Lords, 561. 563. Coke's Detention, 59.

2. A motion to inquire into the legality of the impositions had been made and entertained in the house of commons. James, in a speech which scandalized the saints, and alarmed the patriots, read them a long lecture on the numerous points in which kings were the representatives and the images of God. Like him they could make and unmake, exalt and debase, give life or death: like him, they were the judges of all, but accountable to none; and like him they claimed both the affections of the souls, and the services of the bodies of their subjects. If it were blasphemy to deny the power of God, so it was sedition to deny the power of the king. Such was he, as king in the abstract; but as king of England, it was, and always would be, his intention to govern according to the law of England. He was always ready "to make the reason appear of his doings," but would never suffer any question to be made of his power. He there foreforbade them to dispute the right of levying impositions, though if they thought proper, they might inquire into the exercise of that right.* But the prohibition was disregarded: they appointed a committee to search for precedents, and the discussion occupied the house during the remainder of the session. In favour of the prerogative, the crown lawyers appealed to the "reverence of past ages, and to the possession of present times:" they maintained that the practice of imposing duties on imports and exports had been in full vigour during the reigns of the three first Edwards; and that if it had been interrupted from Richard II. to Mary (an interval of two centuries) it had been renewed by that princess, and continued by her sister Elizabeth. It was replied, that none of the more ancient precedents bore any resemblance to the late illegal measure; they were licenses for the import or export of forbidden articles, or attempts to raise money in times of necessity, which had always excited complaint, and had generally been followed by redress: that the instance alluded to in the reign of Mary, though illegal in itself, was reasonable in its motive, as it proved to be no more, in fact, than an expedient to defeat an evasion of the duty fixed by the law;† and that to

Imposi-
tions.

* James's Works, 529. Journals of Lords, 597. Of Commons, 430. The king's speech gave much discontent. He strained the prerogative so high, that men began to fear, "they should not leave to their successors that freedom they received from their forefathers, nor make account of any thing they had, longer than they listed that governed." Winwood, iii. 175. The writer of the letter hinted, however, that the treasurer would maintain his doings, knowing, that though men storm ever so much, yet *vana sine viribus ira*. Ibid.

† The exporters of wool to evade the high duty, manufactured it into a

raise money by the sole authority of the crown, was contrary to magna charta, to the statute de tallagio non concedendo, and to twelve other parliamentary enactments. It is evident that the opposition members had the better of the argument, though they had to contend against the eloquence and talents of Sir Francis Bacon, the attorney-general.*

3. To exonerate themselves from the feudal burthens, the commons demanded the abolition of purveyance, and the exchange of every other kind of tenure, into that of free and common soccage. To the first the king made no objection; but he absolutely refused, as dishonourable to himself, and to the gentility of England, to reduce all his subjects, noble and "base, rich and poor, to hold their lands in the same ignoble manner." It was at length resolved, that the honours, rents, personal services, suits in courts, escheats and reliefs, should remain, while wardships, the marriages of infants and widows, and other onerous and oppressive services, should be done away. On these terms the lords accepted the office of negotiating between the king and the commons. James gradually reduced his demand from £300,000 to £220,000 per annum; they gradually rose from £100,000 to £180,000. The difference was not great; but each party refused to advance another step, till the threat of a dissolution prevailed on the commons to make a last offer of £200,000, which was gladly accepted by Cecil, as the fruit of his address and perseverance. Nothing remained but to assign the funds from which this new revenue was to be raised; but the session had been protracted into the midst of summer; it was agreed to resume the subject after the prorogation, and the paltry aid of one subsidy, July 11. and one tenth and fifteenth, was granted for the support of the royal household during the interval.†

very coarse kind of cloth, which paid only four shillings and fourpence. Mary, as a compensation, raised this duty to five shillings and sixpence.

* Winwood, iii. 175. See Bacon's argument in his works, ii. 223. The answers of Hakewell and Yelverton in Holwell, ii. 407—519. Boderie, v. 271. 355. Salisbury, to excuse his conduct, alleged the example of the last lord treasurer, the assent of the merchants which he had obtained, and the judgment of the barons of the exchequer. "So that if there was a fault, he was still rectus in curia." Birch's Negotiations, p. 320.

† Journals of Commons, 410. 448. 451. Of Lords, 660. 662. Winwood, iii. 129. 131. 145. 153. 155. 193. 201. Lodge, iii. 189. A tenth and a fifteenth were a fixed sum, £36,500; a subsidy varied in amount. In the beginning of Elizabeth's reign, it is said to have reached to £120,000, at the end to no more than £78,000. (Journals, 448.) On this occasion, though the three counties of Northumberland, Cumberland, and Westmoreland were rated for the first time, it raised only £63,666. Abstract of his majesty's revenue, p. 71.

4. Besides these great objects of contention, the commons presented several petitions for the redress of particular grievances, to which the king replied principally at the end of the session. Some he granted: to others he promised to give the most serious attention: a few he unequivocally refused.* Among them the reader will be surprised to learn that there was one praying that, in cases of prosecution for capital offences, the prisoner might be allowed to bring forward witnesses in his own defence. James replied, that he could not in conscience grant such an indulgence. It would encourage and multiply perjury. Men were already accustomed to forswear themselves even in civil actions: what less could be expected, when the life of a friend was at stake?†

It is probable that his answers to the petitions did not give satisfaction. The loss of the journals has deprived us of the particulars of the next session: but we know that the commons added to their former demands; that the king pertinaciously adhered to his last offer: and that after repeated threats, he prorogued the parliament for nine weeks. This interval was employed in secret intrigues to weaken the ranks of the opposition: but the attempt failed: and on the appointed day the parliament was dissolved.‡ To Cecil the failure of his favourite plan proved a source of the most bitter vexation.§

Grievances.
Death of
Salisbury.

Oct. 16.

Dec. 6.

Dec. 31.

* To the complaint that some of his proclamations tended to alter the law, others to inflict punishment before trial, James answered that he would revise his proclamations, reform them where cause should be found, and issue none which were not conformable to the laws, or to the practice of his predecessors in cases of necessity. *Lords' Journals*, 659. *Somers' Tracts*, ii. 162. In consequence the judges were consulted respecting two proclamations, one prohibiting new buildings in and about London, the other the making of starch from wheat. The counsellors urged that every precedent must have a beginning: that if there were no precedent for such things, it was time to make one, in order to support the royal prerogative. But the judges replied that no proclamation could make that an offence which was not one before, because that was to alter the law, which could only be done by act of parliament. Proclamations were useful to inform the subjects of the penalties to which offenders were liable by law, but they could effect nothing more. *12 Coke's Reports*, 74.

† *Journals of Commons*, 451; of *Lords*, 658. *Winwood*, iii. 193.

‡ *Journals of Lords*, 684, 685. *Winwood*, iii. 124. 235. *Boderie*, v. 492. 510.

§ Much praise has been given to him for his disinterestedness in this attempt, as he would have lost his lucrative office in the court of wards. *Winwood*, i. 41. But if we may believe *Boderie*, an indemnification for himself entered into his plan; he meant to demand £40,000 in money, and £200 a year in land. *Boderie*, ap. 10. vol. v. p. 189. On the 17th of July

indeed negotiated treaties with the French monarch and the states general, both of which powers promised to pay by distant instalments their debts to the English king. But these offered at present no sufficient resource. The treasury was

empty; the officers of the crown demanded their salaries; and the old expedients were repeated of offering a portion of the crown lands for sale, and of sending privy seals for loans of money into the different counties.* But he lived not to see the effect of these measures. His constitution sunk under the depression of his

spirits.† The waters of Bath produced no alleviation: and he expired at Marlborough on his return to London.‡

While Cecil had laboured in vain to supply the wants of the treasury, the king's attention had been occupied by occurrences within the circle of his own family. The reader is already acquainted with his cousin-german, Arabella Stuart. Her descent, like his own, from Margaret, the eldest daughter of Henry VII., had formerly taught him to look upon her as a rival; and a suspicion haunted his mind, that her pretensions, if they were suffered to survive her, might prove dangerous to his own posterity. He treated her indeed as his kin-woman, granting her a pension for her support, and allotting her apartments in the palace: but at the same time he secretly condemned her in his own breast to a state of perpetual celi-

he hinted his loss to the commons: and on the 19th sir Maurice Berkley moved that the house would remember the honour, the dignity, and the profits of the earl, who thus surrendered so valuable an office. *Journals*, 451, 452.

* Winwood, iii. 235. 239. 301. "The privy seals are going forth, but from a trembling hand, least that sacred seal should be refused by the desperate hardness of the prejudiced people." *Ibid.* 309. They raised however, £111,046, which was not repaid five years later. *Abstract*, p. 11. There was also a silver mine in Scotland, which excited great expectation. *Boderie*, iii. 128. 162. 189. 424. It produced ore to the value of £1000, which in working cost £3059. *Abstract*, p. 10. 13.

† Winwood, iii. 332. "What is worst of all, he is melancholy, and heavy spirited; so it is on all hands concluded, that his lordship must shortly leave this world, or at least disburden himself of a great part of his affairs." 338. February 17.

‡ "Your majesty hath lost a great subject and a great servant. But if I should praise him in propriety, I should say that he was a more fit man to keep things from getting worse, but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer, and like clay in the hands of the potter to mould it as he thought good, so that the was more in operatione than in opere." *Bacon*, vi. 52.

bacy. In her childhood she had been acquainted with William Seymour, son to lord Beauchamp: their friendship as they grew up ripened into a more tender passion; and an officious courtier revealed to the king that Seymour had made her a proposal of marriage. New terrors instantly sprung up in the royal mind; for Seymour had also pretensions to the crown, being equally descended from Henry VII. through Mary, the sister of Margaret. The lovers were twice summoned before the council, reprimanded for their presumption, and forbidden on their allegiance to marry without the royal permission.* They submitted till the next interview: a furtive marriage took place; and Arabella, when she reflected on her disobedience, sought to quiet her apprehensions with the recollection of a promise which she had recently extorted from James, that he would not oppose her union with any nobleman, provided he were one of his own subjects. A few days dissipated the illusion. He was committed to the Tower—*she* to the custody of sir Thomas Parry, at Lambeth.† Their fate, however, excited pity. Stolen interviews were suffered by the negligence or the connivance of the warders; and the king, to insure their separation, ordered Arabella to be removed to the city of Durham. She refused to leave her chamber: but the officers carried her in her bed to the water side, placed her in a boat, and conveyed her to the opposite bank. She had reached Barnet, when James on the report of his own physician, relented; and allowed her to reside a month at Highgate, for the recovery of her health. There her apparent resignation to the royal will deceived all around her: and on the very day on which the bishop of Durham departed to provide lodgings for his distinguished guest, she left the house in male attire, rode to Blackwall, and descending the river, was taken up by a French bark, hired for the purpose.‡ At the same hour Seymour,

1611.

Feb. 2.

Feb. 10.

* Winwood, iii. 117. 119.

† Boderie, v. 357. Winwood, iii. 201. Melville, the Scottish minister, who had been committed for a sarcastic epigram on the altar in the royal chapel, welcomed Seymour with the following lines:

Communis tecum mihi causa est carceris, Arabella tibi causa est, araque
sacra mihi. Winwood, *ibid*.

‡ "Disguising herself by drawing a pair of great French-fashioned hose over her petticoats, putting on a man's doublet, a man-lyke perruque with long locks over her hair, a blacke hat, blacke cloake, russest bootes with red tops, and a rapier by her syde, walked forth between three and four of the clock, with Mr. Markham. After they had gone on foot a mile and a halfe to a sorry inne, where Crompton attended with their horses, she grew very sicke and fainte, so as the hostler that held the styrtrop, said that

disguised as a physician, passed unsuspected through the western gate of the tower. A boat was in readiness to convey him to the bark: but the French captain agitated by his fears, refused to wait, and in opposition to the entreaties of Arabella, proceeded out to sea; while Seymour, uncertain of the course taken by his wife, prevailed on a collier for the sum of forty pounds to land him on the coast of Flanders. The intelligence of their escape revived and confirmed the apprehensions of James, who attributed it to some deep and unknown conspiracy to place them on the throne. But in the course of the day the French bark, which lay off the Nore, still waiting for Seymour, was taken, after a short action, by an English cruiser, and the unfortunate Arabella was consigned to the Tower. At first she bore her fate with fortitude, consoling herself with the recollection that her husband was safe. But to her petition for liberty James replied that, "as she had tasted the forbidden fruit, she must pay the forfeit of her disobedience." After some time the rigour of her confinement was increased in punishment of some additional offence; and her mind, yielding to despair, betrayed symptoms of derangement. In the fourth year of her imprisonment she expired, the victim of an unfeeling policy, which, to guard against an uncertain and imaginary danger, scrupled not to rob a female relative of her liberty and life.*

gentleman would hardly hold out to London. Yet being set on a good gelding astride, in an unwonted fashion, the stirring of the horse brought blood enough into her face, and so she rid on towards Blackwall." Winwood, iii. 279.

* Winwood, iii. 442, 454. Mr. D'Israeli has collected much interesting information respecting Arabella in his new series of the *Curiosities of Literature*, i. 256—291. Elizabeth Cavendish, countess of Shrewsbury, aunt to Arabella, was at the same time sent to the Tower, on a charge of having been her adviser. The latter, in the presence of the council, answered every question regarding herself, but begged to be excused saying any thing to the prejudice of the countess, who resolutely refused to answer at all. She had made, she said, a vow not to reveal any of the particulars, and demanded, if there were any charge against her, to be tried by her peers. James, imitating the conduct of Elizabeth in the case of the earl of Essex, ordered her to appear before certain commissioners, consisting of the chancellor, the archbishop, several lords of the council, and four of the judges. By them it was declared, 1. that the refusal to answer questions put by royal authority, was a high contempt of the king, whether the respondent were nobleman or commoner: 2. that as they formed not a court of justice, they had no authority to judge, but only to admonish the countess of the offence and of its consequences: and, 3. that the offence, if the cause had been brought before the star-chamber, would have been visited with a fine of £20,000, and imprisonment during pleasure. *Howell's State Trials*, ii. 770—775. On this occasion lord Coke numbered among the privileges of the peerage, exemption from torture in cases of high treason. *Ibid.* 773.

While the king thus punished the marriage of his cousin Arabella, he was busily engaged in negotiating marriages for his son Henry, and his daughter Elizabeth. Henry, the heir apparent, had reached his eighteenth year. Their existed but little affection between him and his father. James looked on him with feelings of jealousy and even of awe; and the young prince, faithful to the lessons which he had formerly received from his mother, openly ridiculed the foibles of his father, and boasted of the conduct which he would pursue, when he should succeed to the throne. In the dreams of his fancy he was already another Henry V. and the conqueror of his hereditary kingdom of France. To those who were discontented with the father, the abilities and the virtues of the son became the theme of the most hyperbolical praise: the zealots looked on him as the destined reformer of the English church; some could even point out the passage in the apocalypse which reserved for him the glorious task of expelling antichrist from the papal chair.* With the several matches prepared for him by his father, it were idle to detain the reader; his marriage, as well as his temporal and spiritual conquests, was anticipated by an untimely death, which some writers have attributed to poison, some to debauchery, and others, with greater probability, to his own turbulence and obstinacy. In the pursuit of amusement he disregarded all advice. He was accustomed to bathe for a long time together after supper, to expose himself to the most stormy weather, and to take violent exercise during the greatest heats of summer. In the spring of 1612, a considerable change was remarked both in his appearance and temper: he spent the month of September in the country in his usual manner, hunting, feasting, and playing at balloon and tennis; and on his return to Richmond, found himself so ill that the court physicians were consulted. His indisposition, however, encreased: and in the course of a fortnight he expired, to the great sorrow of the people, who in their conjectures, did not spare even the reputation of his father. From the journal of

Death of
prince
Henry.

1612.
Oct. 10.

Nov. 6.

Lady Shrewsbury remained in the Tower till the death of Arabella, when she was discharged. Truth brought to light, p. 70.

* Osborne, 264. Harrington tells us that the following rhyme was common in the mouths of the people:

Henry the eight pulled down the abbeyes and cells,
But Henry the ninth shall pull down bishops and bells.

Nugæ Antiquæ, ii. 3.

his sickness, and the report of the surgeons who opened the body, it is evident that he died of a malignant fever.*

The princess Elizabeth was the only survivor of four daughters, and, after her two brothers, the next heir to the throne. She had many suitors, among whom the most distinguished were the young king of Spain, the prince of Piedmont, and Frederic count Palatine of the Rhine. Of these James, allured by the splendour of the alliance, preferred the first; but to his suit strong opposition was made both by the zealous protestants in England, and by the papal nuncio in Spain. The former trembled lest by the marriage the right to the succession might eventually fall to the Spanish kings: the latter deprecated the introduction of a protestant princess into a family which had been so long distinguished by its attachment to the catholic creed.† Of the other rivals the pretensions might in many respects be considered as equal: but the profession of the reformed faith by Frederic, gave him the preponderance; and as soon as the articles of the marriage had been signed, he came to England to receive his young and beautiful bride. A long succession of feasts and amusements had been prepared to celebrate the event: but the unexpected death of prince Henry threw a gloom over the court; and though the parties had been affianced to each other in December, it was not till Valentine's day that the marriage ceremony was performed.‡ Never had the English court appeared in such splendour. The king, the queen, and the prince were covered with jewels belonging to the crown; and the nobility (no one was admitted under the rank of

* *Aulicus Coquinariz*, 239: 241—251. Hearne's *Otterbourne*, pref. Somers' Tracts, ii. 231—252. "Ex febri contumaci, quæ ubique a magnis et insularis fere insolitis siccitatibus ac ferboribus orta per ætatem populariter grassabatur, sed raro funere: dein sub autumno erat facta lethalior." Bacon, vi. 60.

† The objection was that though the children would be educated in the faith of the father, it was very possible that early impressions received from the mother might induce them to leave it at a later period of life. MS. letter in my possession. This objection seems not to have been groundless. Elizabeth's brother, Charles, married a catholic princess: and his two sons Charles II. and James II. though educated protestants, both became catholics before their death.

‡ See their first meeting and the marriage in Winwood, iii. 403. 434, 435. Somers' Tracts, iii. 40. Philoxenis, p. 11. and Wilson, 690. Their espousals in Ellis, iii. 110. note. To defray part of the expense the king levied the feudal aid of twenty shillings on every knight's fee, and on every twenty pounds of lands held in soccage. (Rymer 722. 735.) It produced £20,500. (Abstract of Revenue, p. 11.) The total expense amounted to £53,294, exclusive of her portion of £40,000. Ibid. p. 14.

baron,) vied with each other in magnificence of dress. Elizabeth, who was only in her sixteenth year, wore a white robe with a coronet of gold on her head, and her long hair flowing in tresses on her shoulders. She was conducted by her bridesmen, the young prince her brother on one hand, and the aged earl of Northampton on the other; and was followed by twenty bridesmaids of her own age, dressed in white and embroidery.* She ascended the platform in the royal chapel with a lightsome foot and smiling countenance; the palatine performed his part with accuracy and gravity; but the princess, whether it were from joy or levity disturbed the solemnity of the scene by a low titter, which soon burst into a loud laugh. The ceremony was concluded with public rejoicings: but the superstitious considered the conduct of the bride as ominous of misfortune, and the disastrous consequences of the marriage were afterwards thought to have verified their anticipations.

From the king's children we may pass to his favourites. From the commencement of his reign, King's
favourites. he had surrounded himself with several of his countrymen, on whom his partiality had lavished wealth, and offices, and honours: but among them there was no individual, as long as Salisbury lived, who seemed to possess exclusively his affection, and to monopolise the distribution of favours. The death of that powerful minister allowed James to follow his own inclinations: he first selected Robert Carr, and afterwards George Villiers as the objects of peculiar attachment; and these, the creatures of the royal caprice and bounty, soon acquired the government of the king himself, and through him of his three kingdoms.

Carr owed his brilliant fortune to accident. At a tilting match the lord Hay had appointed him Carr, earl of
Somerset. his equerry, to present his shield, according to custom, to the king. In the performance of this duty, Carr was thrown from his horse, and broke his leg in the fall: James ordered the young man to be carried into a neighbouring apartment, sent a surgeon to attend him, and repeatedly visited him in person. He found that Carr, when a boy, had been his page in Scotland, and was of the family of Fernyherst, the son of one who had suffered much in the cause of the unfortunate Mary Stuart. The plea of his services and those of his father was aided by the beauty of his person,†

* "The king's majestie was in a most sumptuous black sute, the queen attired in white satin." Somers' Tracts, iii. 40.

† This fellow is straight-limbed, well-favoured, strong-shouldered, and smooth-faced. Nugæ Antiquæ, i. 390.

and the ingenuousness of his answers. Pity insensibly grew into affection: James looked on his patient as an adopted child: he even took the pains to instruct him in the Latin grammar; and what was more to the purpose, in "the craft of a courtier."* After his recovery, he was daily distinguished with marks of the royal favour: riches and honours poured down upon him: the lands which escheated to the crown, and the presents offered by those who solicited his mediation with the sovereign, gave him a princely fortune; and he was successively raised to the honours of baron Branspeth, viscount Rochester, and knight of the

1612.

May 24.

garter. Still he affected to take no part in the conduct of affairs, till the earl of Salisbury died,

when several important offices became vacant, and the hope of obtaining them, or the places of those who might obtain them, filled the court with a multitude of candidates. Of these many sought the protection of the two Howards, the earl of Suffolk, lord chamberlain, and the earl of Northampton, lord privy seal; while others professed themselves the dependants of the young favourite, the viscount Rochester. The court was agitated by intrigue, jealousy and enmity; and James, for more than a year, balanced between the two parties, seeking in vain to reconcile their opposite pretensions.† It was, however, a fortunate time for Rochester, who, though he held no official situation, transacted business as prime minister and principal secretary.‡ Unequal to the task himself, he employed the aid of

Sir Thomas
Overbury.

assistant.

1611.

Nov. 8.

Overbury was an able and artful counsellor, but violent, capricious, and presuming. Though he had been banished from the court for an insult offered to the queen, he was soon recalled at the solicitation of Rochester; but he could never obtain the good will of the monarch, who continued to look on him as a rival in the affections of his favourite, and the fomentor of the factions which divided his ministers. By the public he was

* "The prince leaneth on his arm, pinches his cheek, smoothes his ruffled garments. The young man doth much study art and device: he hath changed his tailors and tiremen many times, and all to please the prince. The king teacheth him Latin every morning, and I think some one should teach him English too: for he is a Scotch lad, and hath much need of better language." *Ibid.*

† "These offices have in the time of their emptiness been the subject of notorious opposition between our great viscount and the house of Suffolk." *Reliq. Wotton.* p. 408.

‡ Birch, *Negotiations*, 349, 350.

courted on account of his influence with his patron: valuable presents were given to secure his favour: and on the morning of the 21st of April, he boasted to sir Henry Wotton of his good fortune, and of the flattering prospects which lay before him. Yet that very day before sun-set he was committed a close prisoner to the Tower.* The occasion of his disgrace was the unfortunate passion of the viscount for the lady Frances Howard, the daughter of the lord chamberlain, Suffolk. At the age of thirteen she had been married to the earl of Essex, who was only a year older than herself. Immediately after the ceremony, the bridegroom proceeded to the university, and thence to the continent: the bride was consigned to the care of her mother, who bestowed more attention on the ornamental than the moral education of her daughter. The young lady Essex became the boast of the court: and her wit, her beauty, and her acquirements raised her above competition: but when her husband returned, she received him with manifest tokens of dislike, and if she occasionally consented to live with him, it was always owing to the peremptory commands of her father. The meetings between them were short: he complained of the coldness of his wife; she spent her time in tears and recriminations—till at last these dissensions produced on the part of each a rooted antipathy to the other. At court she had many admirers, among whom were prince Henry and Rochester. But the latter was the favoured lover: and in one of their furtive meetings, it was proposed that she should sue for a divorce from Essex, and afterwards marry the viscount. Her father and uncle were led by political motives to approve of the project; and the king hailed it as the means of extinguishing the rivalry between his favourite and his two ministers: but by Overbury, though he had hitherto been the pander to their pleasures, it was decidedly and earnestly opposed.† He foresaw the ruin of his own hopes in the reconciliation of his patron with his enemies: he objected the “baseness of the woman,” and the infamy of such a marriage: and he declared that he both could and would throw an insuperable obstacle in the way of their union.‡ Rochester had the weakness to betray

1613.
Cause of his imprisonment.

* Reliq. Wotton, 408—410. Winwood, iii. 447. State Trials, ii. 993. Birch, 329. 340.

† “You wonne her,” he says, “by my letters.” Winwood, iii. 479.

‡ This was repeatedly asserted at the trials, and acknowledged by Rochester himself. But what was this obstacle? I cannot conceive that he could prevent the marriage in any other way, than by revealing the secret

his adviser, and Frances in her fury offered £1000 to sir John Wood to take Overbury's life in a duel: but her friends suggested a more innocent expedient to remove him from court, by sending him on an embassy to France or Russia. His inclination was first sounded by the archbishop of Canterbury, and then an order, that he should accept the mission, was brought to him by the lord Chancellor and the earl of Pembroke. He refused, observing that the king could not in law or justice exile him from his country. This answer was pro-

nounced in contempt of the royal authority, and the delinquent was committed, with the consent of his patron, to the custody of the lieutenant of the Tower.*

Within a few days proceedings for a divorce between the earl and the countess of Essex, on the ground of physical incapacity, were instituted before a court of delegates appointed by the king.

All the judicial forms usual on such occasions were carefully observed. But a general suspicion existed, that both the parties in the suit, and the judges who pronounced in their favour, acted in opposition to the dictates of their consciences; and it was reproached to James, that instead of remaining a silent spectator, he had spontaneously come forward, and exerted himself in the progress of the cause with the warmth and partiality of an advocate: an indiscretion which probably was prompted by affection to his favourite, whose gratitude or policy unexpectedly relieved the immediate wants of his sovereign with a present of 25,000.† However that may be, the king undertook to brow-beat the judges, he answered their arguments;‡ he forbade them to

take additional examinations; he increased their number: and at last procured a decision in favour

of their private amours for the last twelve months, and the real object of the divorce. See his letter in "Truth brought to Light," 47.

* Winwood, iii. 447. 453. Wotton's letters in his Reliquæ, 408. 411, 412.

† "We being at a dead lift, and at our wit's end for want of money, he sent for some officers of the receipt, and delivering them the key of the chest, bid them take what they found there for the king's use; which they say was four or five and twenty thousand pounds in gold." Winwood, iii. 453.

‡ "If a judge should have a prejudice in respect of persons, it should become you rather to have a kind of implicit faith in my judgment, as well in respect of some skill I have in divinity, as also that I hope no honest man doubts the uprightness of my conscience: and the best thankfulness that you, that are so far my creature, can use towards me, is, to reverence and follow my judgment, and not to contradict it, except where you may demonstrate unto me that I am mistaken, or wrong informed." King's letter to archbishop Abbot. State Trials, ii. 862.

of the divorce, by a majority of seven to five.* Overbury lived not to be acquainted with this judgment. On the preceding day he expired, after a confinement of six months; during which he had not been permitted to see his friends, or to communicate with them by letter. The time, the manner of his death; the reported state of the body, and its precipitate interment, provoked a general suspicion that he perished by poison.

After a short delay, Frances Howard was married in the royal chapel to her lover, who, that she might not lose in title by the exchange, had been previously created earl of Somerset. At the ceremony she had the boldness to appear with her hair hanging in curls to her waist, the appropriate distinction of a virgin bride: the king and the chief of the nobility honoured the nuptials with their presence, and a long succession of feasts and masks, in which the city strove to equal, if not to outshine, the court, attested the servility of the men, who, to ingratiate themselves with the royal favourite, could make public rejoicings in celebration of a marriage, which in private they stigmatized as adulterous and illegal.†

Marriage of
Somerset.

Nov. 4.

Dec. 26.

This event sealed the treaty of union, which had been negotiated between Somerset and his opponents, and extinguished the feuds, which had so long distracted the royal councils. There remained but one source of solicitude, that which haunted the king till his death, the want of money. The failure of every temporary expedient proved that the real remedy was to be sought in the benevolence of the nation; but James had already suffered so many defeats in parliament, his nerves were so agitated at the idea of a new contest, that to overcome his repugnance, his advisers "undertook," (from the word they acquired the name of undertakers,) to secure a decided majority in favour of the court. In former reigns it had been found sufficient for this purpose, if the chancellor made known the wishes of the prince to the sheriff: in the present, all the influence of the crown, and of the servants of the crown, was employed; and the result demonstrated, that there existed among the

New parliament.

* See the proceedings with a long account of the whole by archbishop Abbot, in Howell, ii. 785—862. Most of the judges who favoured the nullity were rewarded by the king, but severely censured by the public. The son of Bilson, the bishop of Winchester, was knighted in consequence, and was always afterwards known by the name of sir Nullity Bilson. *Ibid.* 829.

† Wilson, 693.

1614. people a spirit decidedly hostile to the prevailing
 April 5. system of government. The king opened the session with a conciliatory speech, which he followed up with a request for pecuniary aid, and an offer to redress a multitude of minor grievances, enumerated in the petitions of the last parliament. But little attention was paid to the royal message. 1. The house resounded with complaints of the arrogance of the undertakers, who had interfered with the liberty of election, and had violated the privileges of the commons. The validity of several returns was debated: a question was even raised, whether the attorney-general, sir Francis Bacon, could legally sit in the house; and if he was ultimately permitted to retain his seat for the present session, it was only on account of some pretended neces-

April 11. sity of state, and with an understanding that the indulgence should not be extended to his successors in office.* 2. Instead of passing to the consideration of the supply, the commons devoted their time to the questions which had already given so much offence, the claim of the king to levy "impositions," and grant monopolies. 3. Some expressions, attributed to the bishop of Lincoln, in the higher house, set the lower in a ferment. He was reported to have said, that to dispute the right of imposition, was to lay the axe to the root of the prerogative; and to have hinted his apprehensions that in a projected conference, words might be used of an inflammatory and seditious tendency. The commons called on the lords to punish the man who had thus slandered their loyalty, and received for answer, that the bishop had

May 31. disclaimed with tears and protestations, all intention of offending that house, for which he entertained the highest respect.†

This explanation did not satisfy his enemies: but the patience of James was exhausted; he commanded

May 31. the commons to proceed to the consideration of

June 7. the supply, and punished their disobedience by a

June 8. hasty dissolution. The next morning the most

* On searching for precedents, it was admitted that members of that house had been made attorneys to the king without vacating their seats; but no instance had occurred in which a person, actually invested with the office, had been returned a member.

† Lords' Journals, 713. According to the present practice one house is supposed to be ignorant of what passes in the other: but the lords, instead of vindicating their privilege, merely hinted at it in their answer: that they had given contentment to the commons for the better expediting of his majesty's business; but "that hereafter no member of their house ought to be called in question, when there is no other ground but public and common fame." Ibid.

violent and refractory of the members were called before the council; they were told, that though the king had given them liberty, he had not authorized licentiousness of speech; and five of the number were committed to the Tower. Neither could they obtain their discharge before they had revealed the names of their prompters and advisers, who, in their turn were called before the council and imprisoned. In the quaint language of the time this was called the addle parliament.*

The death of the earl of Northampton, which followed in the course of a week, occasioned a new distribution of offices at court. Suffolk was made lord treasurer; Somerset succeeded him in the office of chamberlain, July 13.

acting at the same time, but without any patent of appointment, as lord privy seal; and every inferior department which was not filled by their relatives or dependents, was sold without scruple to the highest bidder.† Their great solicitude was to discharge the interest, and to prevent the increase of the king's debts; and with this view, besides the temporary expedients so often before adopted, they had recourse to a benevolence, which was at first confined to persons in office, but afterwards required from others.‡ James himself suggested another measure, a reduction of the expenses of his household, to which his ministers consented, but with considerable reluctance, fearing, probably, what they afterwards experienced, that all who should suffer from the new system of economy, would hasten to join the ranks of their political opponents.

In the sale of offices, that of cup-bearer had fallen to George Villiers, one of the sons of sir Edward Villiers, of Brookesby, in Leicestershire. He was tall and well proportioned; his features bespoke activity of mind and gentleness of disposition; and a

Rise of
George
Villiers.

* They were 1. sir Walter Chute, "who, to get the opinion of a bold man after he had lost that of a wise, fell one morning into an insipid and unseasonable declamation against the times." 2. John Hoskins, who "is in for more wit, and for licentiousness baptized freedom." 3. Wentworth, a lawyer, "whose fault was, the application of certain texts in Ezekiel and Daniel, to the matter of impositions;" and 4. Christopher Nevil, "a young gentleman fresh from the school, who having gathered together divers latine sentences against kings, bound them up in a long speech." *Reliquæ Wottonianæ*, 433.—This was the first parliament in which the commons, to exclude catholics, made an order that every member should publicly receive the sacrament before he took his seat. *Journals*, 457.

† Thus lord Knolles was made master of the court of wards without purchase, because he had married a daughter of lord Suffolk, while sir Fulk Greville, for the chancellorship of the exchequer, gave 4000*l.* to lady Suffolk and lady Somerset. *Birch*, *Negotiations*, 380.

‡ The benevolence produced 52,909*l.* *Abstract of his Majesty's Revenue*, p. 12.

short residence in the court of France had imparted to his manners that polish, which James had sufficient taste to approve in others, though he could not acquire it himself. The new cup-bearer immediately attracted the notice of his sovereign, his answers to different questions improved the favourable impression made by his external appearance; and the warmth with which the king spoke in his commendation, suggested to the earls of Bedford, Pembroke, and Hertford, the idea of setting him up as a rival to Somerset. The resolution was taken at a great political entertainment given at Baynard's castle;* and archbishop Abbot was employed to solicit the co-operation of the queen. After many refusals she consented, though her reply proved her thorough acquaintance with the character of her husband:—"My lord, you know not what you desire. If Villiers gain the royal favour, we shall all be sufferers. I shall not be spared more than

1615.
April 13.

April 24.

others. The king will teach him to treat us all with pride and contempt."† On St. George's feast the cup-bearer was sworn a gentleman of the privy chamber, with a yearly salary of £1000: and the next day, while he was employed in the duties of his new office, he received the honour of knighthood.

Arrest of
Somerset.

From that moment the influence of Somerset declined. The court was divided into two parties, anxiously bent on the depression of each other, and all who had envied the prosperity, or had suffered from the ascendancy of the favourite, attached themselves to the rising fortunes of his competitor.‡ The suspicion that Overbury had met his death by poison had been kept alive by successive rumours; it had even been whispered that the murder might be traced, through the inferior agents, to Somerset and his countess, and an opening to the discovery was made by an incautious avowal of Elwes, the lieutenant of the Tower, to the earl of Shrewsbury. Secretary Winwood, at the instigation of the archbishop, and under a promise of protection from the queen, ventured to communicate the circumstance to James, who proposed certain questions to Elwes in

* Aul. Coq. 261.

† Abbot, who himself tells the anecdote, observes that the king would never admit any to nearness about himself, but such as the queen should commend to him, that if she should complain afterwards of *the dear one*, he might make answer, it is long of yourself, for you commended him unto me. Our old master took delight strangely in things of this nature. Rushworth, i. 446.

‡ Birch, 383, 384.

writing, and, from his answers, learned sufficient to doubt the innocence not only of lady Somerset, but also of his favourite. Partly through a sense of justice, and partly through the fear of infamy, he despatched an order to sir Edward Coke, the lord chief justice, to make out a warrant for the commitment of the earl. Still he kept him in ignorance of his approaching fate; he admitted him into his company as usual, and was found by the messenger at Royston, embracing the neck, and kissing the cheeks, of Somerset. That nobleman complained of his arrest in the royal presence, as of an insult, but was silenced by the ominous exclamation of James, "Nay, man, if Coke sends for me, I must go;" to which was added another, as soon as his back was turned, "The deil go with thee, for I will never see thy face more." In a short time Coke arrived, to whom James committed the investigation of the matter, concluding with this imprecation, "May God's curse be upon you and yours, if you spare any of them; and on me and mine, if I pardon any."*

Aug. 1.

Coke executed the task with more than ordinary zeal, stimulated perhaps by the fear of incurring the suspicion of partiality, on account of his previous obligations to Somerset. After three hundred examinations, he presented a report to the king, stating, that Frances, countess of Essex, had been in the habit of employing sorcery to estrange the affections of her husband, and to win those of Rochester; that to remove Overbury, the great impediment to the projected marriage of the lovers, a plan was concerted between them and the earl of Northampton; that, by their joint contrivance, Overbury was committed to the Tower, Wade the lieutenant removed to make place for Elwes, and Weston recommended as warder of the prisoner; that the countess having, with the aid of Mrs. Turner, procured three kinds of poison from Franklin, an apothecary, entrusted them to the care of Weston; that by him they were administered to Overbury, with the privacy of Elwes; and that at last the unfortunate gentleman perished in prison, the victim of the malice or the precaution of Rochester and his mistress.†

Inquiry into the death of Overbury.

* There are several accounts of the parting of James and Somerset. I have followed that given by Roger Coke in his detection. See Weldon, 100. Secret history of James, i. 409. ii. 222, 223. Howell's State Trials, ii. 965.

† Bacon, iv. 470. Reliq. Wotton. 427. It is said that Coke having obtained possession of the pocket book of Forman the conjuror, whom the countess of Essex and other court ladies used to consult, found in the first page the name of his own wife. Weldon, iii. There is in a tract entitled "Truth brought to Light," p. 7—70, a long account of this affair, but so blended with error, that it deserves no credit.

In this story nothing appeared wanting but a more satisfactory cause for the murder of Overbury. To discover this was no difficult task to sir Edward Coke, who prided himself on the facility with which he could detect what was invisible to all others. In a letter from Overbury he found mention of the secrets of Somerset: these he contended must be seditious or treasonable practices; and with the aid of a few conjectures, he boldly charged the earl with the murder of prince Henry.* The queen immediately caught, or perhaps pretended to have caught, the alarm. She had no doubt, she asserted, that a plan had been proposed to poison her, her son Charles, and the prince palatine, for the purpose of marrying the princess Elizabeth to Thomas, the son of the earl of Suffolk, and brother to the countess.† But James did not suffer himself to be misled by the terrors of his wife, or the suspicions of the chief justice: the only charge to which he gave countenance was, that the earl had received money from Spain, and had promised in return to deliver Charles, the heir apparent, into the hands of the Spanish monarch.‡

The minor criminals, Weston, Turner, Frank-lin, and Elwes, were first brought to the bar. Execution of the murderers. That they had been accessory to the murder, seems plain from the report of their trials: yet many at the time attributed their conviction to a conspiracy against Somerset, and this opinion derived confirmation from the ambiguous language of some of the sufferers at the place of execution.§ Sir Thomas Monson was next arraigned: he had recommended Weston to be the warder of Overbury, and was exhorted by Coke to confess his guilt, and throw himself on the mercy of the king. But he rejected the suggestion with scorn, and to the surprise of the public was taken from the bar to the Tower, and in a short time recovered his liberty.||

* This letter has been published from the original. Winwood, iii. 478. There is no reason to conclude from it that the secrets were of importance to the public. Overbury says nothing of revealing them to the government, but that he had written a history of the whole acquaintance between him and Somerset, from which his friends, to whom he should send copies, might be convinced of the earl's ingratitude.

† The French ambassador in his despatch of Dec. 22. apud Carte, iv. 33.

‡ Bacon, iv. 90.

§ Sir J. Hollis, sir J. Wentworth, sir Thomas Vavasour, sir Henry Vane, and Mr. Sackville, rode up to the gallows, and called on Weston to confess the fact, if he were guilty. "Fact or no fact," he replied, "I die worthily." The gentlemen were charged in the star-chamber with an attempt "to slander the king's justice;" and Hollis and Wentworth were condemned to suffer a year's imprisonment, and to pay a fine of 1000*l*. Bacon, iv. 447.

|| Wilson says that on this occasion Coke's wings were clipt, and Monson

The remaining trials were deferred till the arrival of Digby, the ambassador at the court of Spain, to whom orders had been transmitted to repair to England: but from him nothing could be learnt to impeach the loyalty of Somerset.* The affection of James began to revive. His reputation required that he should bring his ancient favourite to trial; but he proposed to save him from punishment by withdrawing him from the bar as soon as the verdict should be returned: and, when he was informed that according to law judgment must follow, he announced his determination to grant him a pardon, and with this view forbade the attorney general to exaggerate the offence, that the prisoner might not appear unworthy of mercy. The earl was repeatedly advised to confess himself guilty, and assured that the king would grant him his life and fortune. "Life and fortune," he indignantly replied, "are not worth the acceptance, when honour is gone."†

Conduct of
Somerset.

April 11.

set at liberty, because the chief justice alluded to the death of prince Henry. Wilson, 702. Coke's wings, as the reader will see, were clipt for another cause; and Monson was reserved till Digby's return home from Spain to be examined about the Spanish treason. Had he been previously convicted, his confession on that head could not have been admitted as evidence.

* Bacon, vi. 89, 90. Birch, 392.

† See the artifices employed to draw Somerset to a confession, and the king's wish on that head in Bacon, vi. 101. Cabala, 33—38. 53. Howell's State Trials, ii. 962. Archæologia, xviii. 355. Many writers have attributed the anxiety of James to his knowledge, that Somerset was in possession of some portentous secret, which he might be provoked to reveal to the ruin of the royal character. I have no doubt that it arose from affection. The following extracts from the king's letters to sir George More, lieutenant of the Tower, are highly interesting. "God knoweis it is only a trikke of his ydle braine, hoaping thairby to shifte his tryall, but is easie to bee seene, that he wolde threattin me, with laying an aspersion upon me of being in some sorte accessorie to his cryme....if he wolde writte or sende me any message concerning this poysoning, it needis not be private; if it be of any other bussienesse, that quicke I can not now with honor ressave privatlie, I may do it after his tryall, and serve the turne as well; for excepte ather his tryall, or confession pracede, I can not heare a private message from him without laying an aspersion upon my selfe of being an accessorie to his cryme." Archæol. 355. On the 9th of May, James sent, in great secrecy, Somerset's former secretary with such proposals that "if thaire be a sponke of grace left in him, I hoape thaye shall worke a goode effecte." Ibid. 356. On the 13th, he ordered the lieutenant to repeat the offer, with a promise that it should be enlarged. "I meane not," adds the king, "that he shall confesse if he be innocent, but ye knowe how evill lyklye that is....lett none living knowe of this: and if it take goode effecte, move him to sende in haiste for the commissioners to give thaim satisfaction; but if he remaine obstinate, I desyre not that ye shoulde trouble me with an ansoure, for it is to no ende, and no newis is better than evill newis." Ibid. 356, 357. On the day preceding the trial, when Somerset appeared furious, the king sent lord Hay and sir Robert Carr to him, and ordered the lieutenant, if Somerset

To escape the disgrace of a trial he earnestly solicited admission to the royal presence, or at least to be permitted to write a private letter to the king. When this was refused he assumed a bolder tone, and endeavoured to work on the fears of James, by declaring that at the bar he would take ample vengeance on the prince, who had betrayed him into the power of his enemies. As the day approached he asserted that he would not leave his chamber: he feigned sickness or insanity; and made or pretended to make, like sir Walter Raleigh, an attempt on his own life. But the king was inexorable. He commanded the lieutenant of the Tower to employ force, if it were necessary, and to inform his prisoner, that if he indulged in irreverent language with respect to the sovereign, he would be removed from the bar, without any stay of the proceedings on account of his absence.

By the exhortations of Whiting, the minister who had attended the other prisoners, the countess had been induced to confess the murder. She was therefore separately arraigned before the peers. She looked pale, trembled while the clerk read the indictment, and at the name of Weston, covered her face with her fan. As soon as she had pleaded guilty, Bacon, the attorney general, stated to the court the evidence which he should have produced, had he found it necessary: but he had previously the precaution to remove her from the bar, that she might not interrupt him to maintain the innocence of her husband. At the conclusion of his speech, she was recalled, and received judgment of death.*

Though Bacon by this artifice had prepared the court to believe the guilt of Somerset, he looked forward with anxiety to the result; for it was, he observed to the king, a different thing to obtain a verdict from a London jury, and to convince the house of lords.

The earl, contrary to expectation, appeared at the bar cool and collected: he never mentioned the king: but he rejected every exhortation to confess, haughtily maintaining his innocence, objecting to the relevancy of the evidence, and explaining away circumstances which seemed to make against him. After a long trial the peers found him guilty: but by many this judgment was attributed more to the power of his

should still refuse to go to the bar, to do his duty. He concludes thus, "if he have saide any thing of moment to the lord Hays I expecte to heare of it with all speede, if otherwayes, lette me not be trublit with it till the tryall be past." Ibid. 358.

* Bacon, iv. 465. vi. 103. State Trials, ii. 951—961.

enemies, than to the cogency of the proofs.* With-
 in a few days the countess received a pardon: the
 same favour was refused by the earl. He was, he said, an
 innocent and injured man, and would accept of nothing less
 than a reversal of the judgment. But some years later, aware
 of the malice of his adversaries, and of the alienation of the
 prince, he sought that which he had before re-
 jected, and received with it a promise of the
 restoration of his property. Within four months
 however, James died: and Somerset solicited, but in vain, the
 fulfilment of the promise from the pity or the equity of his
 successor. The countess died in 1632; the earl survived her
 thirteen years.†

July 11.

1624.
Oct. 7.

The fall of Somerset was followed by the dis-
 grace of Coke, whose industry in detecting the
 murder of Overbury did not, in the estimation of
 James, atone for his obstinacy and disobedience. In legal know-
 ledge he had no equal: but his proud and overbearing carriage
 had multiplied his enemies, and his pretensions to succeed to
 the chancellorship on the demise of lord Ellesmere, exposed
 him to the malicious insinuations of Bacon, who sought by
 obsequiousness and flattery to obtain that office for himself.
 To increase his own authority and emoluments the chief jus-
 tice had acted, as if all other tribunals were subordinate to
 his: the judges of the admiralty, and the high commission
 court, even the members of the provincial councils of the
 North and of Wales, complained that their jurisdiction was
 invaded and impaired by "prohibitions" from the king's
 bench: and the pride of Ellesmere was irritated by a threat
 of *præmunire*, because he had allowed a cause, decided before
 Coke, to be entered in the court of chancery.‡ But there

Disgrace of
Coke.

* In a letter to James, Somerset pretends that if he could have had ac-
 cess to the king, his crime would have proved no crime, and that he fell,
 rather for want of well defending, than by the violence or force of any
 proofs: for he forsook himself and his cause. Cabala, 221.

† It is but justice to Somerset, to add what he says of his own services
 in a petition to Charles; that during the three years he was in power, he
 opposed all suits for honours and reversions of offices, lest the king and his
 successors should have nothing left to give in reward to their servants; that
 he found a resolution taken after the death of Salisbury, to disafforest all
 the royal parks and forests, and to sell all the crown lands, reserving only
 an increase of rent; this also he prevented; that he never would receive of
 the king any gift of crown lands, or customs; and whatever he did receive,
 was such as either took nothing from the king, or brought with it an in-
 crease to the revenue; and that he made himself many enemies by opposing
 both the suitors and the ministers for the advantage of the crown. *Archæologia*, xvii. 288.

‡ Against the star-chamber Coke maintained that it could not levy

were other causes of offence which sunk more deeply into the breast of the king. In the cases of Peacham and Owen, Coke had not only dissented from his colleagues, he had even opposed the infallible judgment of James himself.* His opinion, that the late benevolence was illegal, though he was afterwards obliged to retract it on his knees, and to give a contrary decision in the star-chamber, had induced numbers to withhold their money: and in a case of commendam he had presumed to proceed with the cause in defiance of the royal prohibition. By James his conduct on these occasions was felt as a personal injury, and Bacon was careful to represent it as proceeding from a wish to gain popularity at the expense of the prerogative.

The archbishop, the chancellor, and the attorney general were commissioned to collect for the royal information all the offences of the chief justice, and he received an order to abstain in the interval from the council chamber, and instead of going the circuit, to spend his time in correcting the errors and innovations contained in his book of reports. James, however, declared that he meant to show him favour, if he would humble himself, and confess his delinquency: but when his answer was received, that he had discovered but five unim-

damages. With respect to the chancery he threatened both judges, suitors, counsel, and solicitors, with pramunire for granting or seeking relief in equity, after judgment had been given in the king's bench. He founded his opinion on the words rather than the spirit of the statute of pramunire, which forbade causes to be carried from the king's courts into other courts, evidently meaning the spiritual courts. Bacon, vi. 84. Cabala, 31. 33.

* Peacham had written a defamatory sermon, which was never preached but found in his study, complaining of the king's expenses of keeping "divided courts" for himself, his queen, and his son, of his gifts for dances and banquets, of the costliness of his dress, of the frauds of his officers, &c. Questions were framed to discover his motives and advisers, and answers were required from the old man, (he was above sixty years of age) "before torture, in torture, between torture, and after torture, by the express command of the king." Dalrymple, i. 56—58. James was so incensed that he maintained the offence was high treason; *ibid.* 61.: while Coke said that it might be defamation but not treason, because it did not amount to disabling the royal title. He was tried and condemned in Somersetshire, Aug. 7, 1615, and died in prison, in the following spring. Bacon, v. 336. vi. 78. 87. State Trials, ii. 870—879. Owen's crime was the assertion that princes excommunicated by the pope might be put to death. Owen pleaded that this was no treason, because James had not been excommunicated, and therefore the words could not apply to him. In opposition both to the king and the other judges, Coke maintained that the answer was good. At last, though with reluctance, he in some sort recanted, by admitting that he was in error to suppose that the king had not been excommunicated; he now believed that he had; and that of course Owen's words were treasonable. Bacon, iv. 440. v. 351. vi. 80. 87. State Trials, ii. 879—883.

portant mistakes,* the king, attributing it to pride and obstinacy, forbade him to take his seat on the bench, and a month later, substituted Montague the recorder of London in his place.

Nov. 16.

This event gave new confidence to the ambition of Bacon. He had freed himself from his great rival, and had earned the esteem of the sovereign, by his fearless advocacy of the prerogative. Still Ellesmere, though his age and infirmities admonished him to retire, clung with the most vexatious pertinacity to the emoluments of office; and, by repeatedly recovering when he was thought on the point of death, exercised and irritated the patience of the attorney general. That officer, however, steadily pursued his course, till he obtained the reward of his servility. He laboured to secure the good services of the new favourite: pretended on all occasions the most sincere affection for the lord chancellor, now created viscount Brackley; and on every relapse of the infirm old man, reminded James of his own merits and pretensions. At length Brackley felt the approach of that hour, which within a fortnight closed his mortal existence: he sent to the king his resignation; and the seals were immediately confided to Bacon, with the title of lord keeper, a sufficient pledge that if he continued to give satisfaction, he would shortly be advanced to the dignity to which he had so long and so ardently aspired.†

Rise of
Bacon.

Nov. 7.

1617.
Mar. 3.

Mar. 7.

May 27.

Hitherto in this chapter, the attention of the reader has been confined to the domestic occurrences from the year 1606 to 1617: the remainder will be distributed under three heads: 1. the king's transactions with foreign powers: 2. his attempts to establish episcopacy in his native kingdom; and, 3. his plans for the government and colonization of Ireland.

1. In 1607, the eyes of all the European nations were fixed on the negotiation at the Hague. After a contest of forty years, both the king of Spain and the United Provinces had grown weary of hostilities. Philip had learned to doubt the result of an attempt, which originally appeared of easy execution. He even feared that the partial success which had lately thrown a lustre on his arms, might lead to a consummation which he

Transac-
tions with
Holland.

* Bacon, vi. 122—129. 397—410.

† Bacon's patent was dated on the 30th of March, and on the 28th of May, John the son of the deceased chancellor was created earl of Bridgewater, in consequence of a promise made to Brackley when he resigned.

dreaded; and that his revolted subjects, rather than submit to the rule of their ancient masters, would throw themselves at the feet of his rival, the king of France. On the part of the Hollanders, the most moderate and most able statesmen equally longed for peace, provided peace were coupled with the recognition of their independence. It was indeed true, that they had hitherto been able to maintain the contest against their formidable antagonist: but they knew that, if they had not fallen in so long and arduous a struggle, it was owing not to their own strength, but the support which they had received from England and France. Now, however, on the king of England, unwilling from the timidity of his temper to draw the sword, unable from his poverty to supply their wants, no reliance could be placed: and accident or policy might at any moment deprive them of the king of France, who though he had proved a faithful, was well known to be an interested

friend. In this temper of mind the offer of an armistice, preparatory to a treaty, had been gratefully accepted by the states: the king of Spain and the archduke agreed to consider them during the conferences as an independent government; and first the

French, afterwards the English, king, sent their respective envoys to act the part of mediators between the adverse powers. The progress of this important negociation is foreign from the plan of the present history: it will be sufficient to observe, that after many debates, the hope of a permanent peace vanished; that in its place a long truce was suggested; and that at last, partly through the entreaties, partly through the firmness of the mediating powers, a cessation of hostilities was concluded for the space of twelve years.

Much occurred during the conferences to prove how low the king of England was sunk in the estimation of his contemporaries. It was believed that he had not the spirit to engage in war, and that, however forcibly he might advise the states to persevere, he would infallibly abandon them in the time of need. Prince Maurice had even the boldness to tell the English ministers to their face, that their master dared not open his mouth in contradiction to the king of Spain.

Hence the French during the negociation assumed a superiority, which was impatiently but silently borne by their allies. But, if James derived little honour from his mediation, he had reason to be satisfied with the result. It secured for a long time at least, and probably for ever, the independence of the states; a point of paramount importance, since their reduction by Spain, or their voluntary submission to

France, was equally pregnant with danger to the commerce and the greatness of England: and, what the king probably valued still more, he obtained the partial relief of his pecuniary wants, by receiving from the Hollanders the acknowledgment of a debt of more than £800,000, with a stipulation that it should be discharged by instalments in the course of fifteen years.*

About the conclusion of the treaty an event happened, which threatened to rekindle the flames of war throughout the greatest portion of Europe. The death of John duke of Cleves, Juliers and Berg, without children, exposed his dominions a tempting prey to the ambition of several competitors. The rightful heir appears to have been either the elector of Brandenburg, or the duke of Newburgh: but a claim was also advanced by the elector of Saxony, and another by the emperor Rodolph. The pretensions of the latter alarmed all those princes, whom religion or policy had rendered enemies to the greatness of the house of Austria. By their advice the elector of Brandenburg and the duke of Newburgh consented to govern the disputed territory in common, and a league for the expulsion of the Austrian, who had already taken possession of Juliers, was formed by the kings of England and France, the United Provinces, and the protestant princes of Germany. The allies assembled a small army: but the king of France ordered no fewer than 40,000 men with fifty pieces of cannon, to march towards Juliers. So formidable a force, compared with its ostensible object, proved that Henry nourished in his mind some secret purpose of much greater importance: and there can be little doubt that he now meant to execute his favourite plan of humbling, by a common union of the European powers, the house of Austria, and of confining it for the future within the Spanish peninsula. But three days before his proposed departure to join the army, he received a mortal wound as he sat in his carriage, from the hand of an assassin named Ravillac.† The murder

Respecting
the succession to
Cleves.
1609.
March 25.

1610.
March 31.

May 4.

* See Birch, *Negotiations*, 267—296. Winwood, tom. i. ii. passim. Jeanin, tom. i. ii. Boderie, tom. i. ii. iii. iv. passim. It may be observed that such was the general bigotry at this period, that though the king of Spain offered a most valuable consideration, and the king of France added his earnest prayer, the states would on no account tolerate the catholic worship within their dominions, at a time when the majority of the inhabitants of Utrecht, Friesland, Groningen, Overysse, and Guelderland, were of that religion. When the French ambassador requested the English not to oppose so equitable a demand, they answered, that "their silence would betray their service to God, and their duty to their king." Winwood, iii. 59.

† On this murder see a dissertation by Griffet at the end of the xii. vol. of Daniel's *Histoire de France*, edition of 1756.

of the king put an end to his project: but his successor did not depart from the league, and 10,000 Frenchmen having joined 4000 English commanded by sir Edward Cecil, placed themselves under the prince of Anhalt, the general in chief

of the combined forces. Juliers was soon won: Aug. 21. the elector and the duke took possession of the disputed territory: and the war died away through the inability of the emperor to prolong the contest.*

The errors of
Vorstius.

If James was unwilling to measure weapons with an enemy in real war, he gloried to meet an adversary in the bloodless field of theological controversy. He had opposed the puritan ministers at Hampton court; he had written against Bellarmine, the champion of the catholics; and he now resolved to mingle in the fray between the Arminians and Gomarists. The disputes which divided these theologians were not more useful, they were certainly less innocent, than the subtleties of the ancient schoolmen. For the subjects of their studies they had taken the doctrines of grace and predestination, universal redemption and free will: and plunging fearlessly into the abyss, persuaded themselves that they had sounded the depth of mysteries, which no human understanding can fathom. Had they indeed confined themselves to speculative discussion, the mischief would have been less; but the heart-burnings, the excommunications, the persecutions to which these controversies gave birth, were evils of the most alarming magnitude. In Holland the first reformers had established the Calvinistic creed in all its rigour. Arminius, the pastor of the great church at Amsterdam, and afterwards professor at Leyden, had adopted another system, which he deemed more conformable to the benevolence of the deity, and less revolting to the reason of man. War was soon declared between the partisans of these opposite opinions: each sought the support of the temporal power: the followers of Arminius addressed a remonstrance, the rigid Calvinists a contra-remonstrance, to the states of Holland. Politics were mingled with theology: and the patriot Barneveldt assumed the defence of the remonstrants, while prince Maurice of Nassau, his opponent in the state, placed himself at the head of their adversaries. James, whose early education had imprinted on his mind a deep reverence for the speculative opinions of Calvin, viewed the controversy with interest, and was not slow in condemning the presumptuous ignorance of

* See the negociations on this subject in the fifth volume of Boderie, and the third of Winwood. Dumont, v. part ii. 121—137. 153. 160.

Arminius. On the death of that professor, the curators of the university offered the vacant chair to Vorstius, a divine whose abilities were universally admitted, but who had occasionally indulged in novel and extraordinary opinions. His orthodoxy was disputed by the contra-remonstrants; but he repelled the charge before the states, and took possession of the office. By James the result was considered as a victory gained by the Arminians. During the progress, archbishop Abbott placed in his way a treatise formerly published by Vorstius: and the king with his pen culled out, in the short space of an hour, a long list of heresies. His piety was shocked; he determined to spread the egis of his infallibility over the cause of orthodoxy in Holland; and Winwood the ambassador, by his orders, accused Vorstius before the states of heresy and infidelity, of denying or misrepresenting the immensity, spirituality, and omniscience of the godhead, and of throwing out doubts of the divinity of Christ. The Hollanders, though they answered with respect, resented this interference of a foreign power in their domestic concerns, and James in return sent them an admonition under his own hand. He was willing that, "if the professor would excuse his blasphemies, he should escape the stake, though no heretic ever deserved it better; but he could not believe that on any defence or denial which he might make, they would allow him to retain his office. They should remember that the king of England was the defender of the faith: and it would be his duty, if such pestilent heresies were suffered to nestle among them, to separate from their communion, and to seek with the aid of other foreign churches in common council assembled, how to extinguish and remand to hell such abominable doctrines." Even this admonition was without effect; and the ambassador renewed his remonstrance in still sharper terms. He received an evasive answer; and, after a decent delay, protested in public against the errors of the professors, reminded the states that the alliance between England and Holland reposed on the basis of purity of religion, and concluded with a very intelligible hint, that they must abandon the protection of Vorstius, or forfeit the amity of James.* The king

1611.
Sept 11.

Nov. 15.

Dec. 9.

* Winwood, iii. 293—296. 304. 309. The following were the distinguishing doctrines of the remonstrants: 1. That predestination was founded on the merits of Christ and the perseverance of man; reprobation on God's prescience of man's obstinate infidelity. 2. That Christ, according to the decree and will of his father, had paid the price of redemption for all men without any exception: 3. That there was not in God any secret

at first applauded the activity and spirit of his minister; he pronounced Winwood a man according to his own heart: but his ministers remonstrated: he began to accuse the ambassador of indiscretion; and in a conference with the Dutch envoy, he laboured to mollify the asperity of the protest.* Still he did not recede from his resolution; he even ventured to appeal to the press, and published a short work in French, entitled a Declaration against Vorstius.† The states

1612.
Feb. 18.

saw the necessity of appeasing the orthodoxy of their ally. They had already incurred his resentment; they feared still more the irritation which would follow a controversy between the two theologians; and Vorstius was ordered not only to quit Leyden, but to purge himself from the imputation of heresy, by refuting the doctrines with which he had been charged.‡

The synod
of Dort.

1619.

But the removal of the professor did not restore tranquillity. The remonstrants gradually acquired the ascendancy in the three provinces of Holland, Overysse, and Utrecht, the contra-remonstrants in those of Guelderland, Zealand, Friesland, and Groningen. Each party, true to the intolerant spirit of the age, was eager to employ the civil sword against its theological opponents, and the republic was in danger of being torn into fragments, by the violence of men who could not agree on the speculative doctrines of predestination and reprobation. James proposed to the states a national council, as the only remedy to the evil; and the suggestion was as eagerly accepted by one party, as it was haughtily rejected by the other. Both were supported in their obstinacy by the political views of their leaders, Barneveldt and prince Maurice; of whom the first was charged with a design of restoring the provinces to the Spanish crown, the other with the project of raising himself to the sovereignty. After a long struggle, the command of the army gave the victory to Maurice; he successively changed the magistrates in the towns of Overysse and Utrecht, and then ventured to arrest his great oppo-

will opposed to his revealed will, by which he testifies that he wills and seeks the salvation of all men: 4. That efficacious grace may be resisted: 5. And that believers often fall from faith, and perish through their own fault. Acta. Synod. Dordr. 126. 129.

* Ibid. 316—320. 331.

† His ambassador at the Hague had already been commissioned to find out "some smart jesuit with a quick and nimble spirit to bestow a few fines against the atheisms of the wretch." Ibid. 311. It appears that such a one was found. Ibid. 318. 323. 330.

‡ Ibid. 348. See Fuller, l. x. p. 60.

ment, Barnevelt, with the two pensioners, Grotius and Hogerbets. From that moment the hope of the Arminians vanished: the magistracy of Holland was reformed, and the synod was appointed to be held at Dort. The Calvinist churches of Geneva and the palatinate sent deputies; and James, who, as the original adviser of the measure, could not refuse his concurrence, commissioned two bishops and two theologians to attend as representatives of the church of England, and a fifth, a Scotsman by birth, but a member of the establishment, as representative of the kirk of Scotland. It was a singular spectacle to behold the two prelates sitting as the colleagues of ministers who had not received ordination from the hands of bishops, and voting with men who held episcopacy to be the invention of Satan. They attended the debates, moderated the violence of the disputants, and subscribed to the canons, but with this exception, that they protested against the article which reduced to a level the different orders of the hierarchy. The decrees of the synod were ratified with the blood of Barnevelt, who, after a mock and secret trial, was sacrificed as a traitor to the ambition of the prince, and with the more moderate sentence of perpetual imprisonment pronounced on Grotius and Hogerbets. To satisfy the king of England, the synod condemned the works of Vorstius; and the reigning party in the states, to preserve the ascendancy, resolved to extirpate their opponents. Seven hundred families of Arminians were driven into exile, and reduced to beggary by the political fanaticism of their brethren and countrymen.*

II. The reformed church of Scotland, when it had obtained a legal establishment, was in reality a religious republic, which presented the singular spectacle of a gradation of elective judicatures, composed partly of laymen, partly of ministers, possessing and exercising every species of ecclesiastical jurisdiction. The lowest authority was that of the incumbent and the lay elders, who formed the parochial assembly. A certain number of these assemblies, classed together on account of their vicinity, constituted the presbytery, which heard appeals, confirmed, annulled, or pronounced censures, and decided on the admission, the suspension, or the deprivation of ministers. The presby-

The church
of Scotland.

* See the despatches of Carleton, the English ambassador, throughout the volume. The controversy has been considered as a contest for political power. It certainly was so with regard to prince Maurice and Barnevelt: but James seems to have interested himself in it chiefly from the motive of defending, as he calls them, the ancient doctrines of the reformed churches.

tery, however, though armed with extensive powers, was subordinate to the provincial synod, and this, in its turn, submitted to the superior jurisdiction of the general assembly, which was supreme on earth, and owed no allegiance in matters of faith or discipline but to Christ, its spiritual sovereign. That James, as head of the church of England, should aspire to the same pre-eminence in his native kingdom of Scotland, is not surprising; but he had more powerful motives than mere ambition to urge him to the attempt. The maxim, "no bishop, no king," was deeply impressed on his mind, and he saw, or thought he saw, danger to the throne, in the disposition and principles of the Scottish clergy. They were men of bold untameable characters; their efforts to establish a republican form of church government had led them to discuss the authority of the civil magistrate, and to inculcate principles of resistance to unjust and despotic sovereigns: and the doctrine of predestination, the duty of extemporaneous prayer, and the habit of denouncing scripture judgments against sinners, had imparted to their minds, and to the minds of their hearers, a tinge of the most gloomy, and, in the royal estimation, of the most dangerous enthusiasm. Hence, to overthrow the fabric raised by Knox and his disciples, became the chief object of the king's policy in Scotland. He made the attempt, and was apparently successful. With the aid of intrigue, and bribery, and force, he at length imposed bishops on the kirk; but the clergy and the people remained attached to the presbyterian discipline; their loyalty was shaken by the violence offered to their religious prepossessions; and the very measure by which James sought to uphold his own throne, aided to subvert, in the course of a few years, that of his son and successor.

Restoration
of episcopacy.

He began by nominating clergymen of known and approved principles, to the thirteen ancient Scottish bishoprics. This step created little alarm. The new prelates had neither jurisdiction nor income: they were only parochial ministers of the churches from which they derived their titles. But by progressive steps, every deficiency was supplied. 1606. An act of the general assembly, procured by the Dec. 10. arts of the minister, made the bishops moderators both of the synods and of the presbyteries within which they officiated.* The repeal of the statute annexing the episcopal lands to the crown, enabled the king to endow their respective sees; and the

* Almost all the presbyteries and synods refused to submit. Calderwood, 565—569.

erection of two courts of high commission, in virtue of the prerogative alone, invested them with powers more extensive than they could have possessed by their ordinary authority. At a convenient time, three of the number repaired to England, received the episcopal ordination from the English bishops,* and after their return, imparted it to their colleagues. At last it was enacted by parliament, that all general assemblies should be appointed by the sovereign; that the prelates should have the presentation to benefices, the exclusive power of suspending or depriving incumbents, and the right of visitation throughout the diocese; and that every clergyman, at his admission, should take the oath of supremacy to the king, and of canonical obedience to the bishop.

1610.
Oct. 21.

1612.

If James had thus accomplished his design, it was owing to the address of sir George Home, lord treasurer and earl of Dunbar. That minister leaving to the theological talents of his master the more difficult task of convincing the understandings of the Scottish clergy,† made it his object to work on their hopes and fears, their prejudices and passions. 1. In defiance of the royal prohibition, the ministers from nine presbyteries had presumed to hold "an assembly" at Aberdeen. Six of the most

1605.
July 2.

* Cambden, Annals of James, 648. Rymer, xvi. 706. Wilk. Con. iv. 443. Spottiswood, 514. Calderwood, 580.

† James had ordered five of the prelates and eight ministers to wait on him in England. The latter refused to assent to any proposal, on the plea that they were commissioned to hear, but had no power to treat. He required an answer to these questions: Were they willing to ask pardon for their offence in praying for the condemned ministers? had he not the right to appoint, suspend, and prevent their meetings? could he not, in virtue of the royal authority, call before him all persons, ecclesiastical as well as civil, and punish them for their offences? (Spottiswood, 497.) But the king harangued, the English bishops preached in vain. Andrew Melville had the presumption to ridicule in a latin epigram the service in the royal chapel, and was committed in consequence. Some months afterwards he was called before the council, and behaved with such freedom or insolence, within the hearing of the king, that he was committed to the Tower. Many accounts have been given of the occurrence: the following is by the French ambassador. "Ledit Melvin fut si aigre en sa réponse, tant contre ce qui étoit du roi, que contre la personne particulière dudit comte, (de Salisbury) que celui ci demeura sans replique. A son secours vint l'archevêque de Cantorbery, puis le comte de Northampton, puis le trésorier, auxquels tous il lava la tête de telle sorte, n'épargnant aucuns de vices ou publics ou privés dont chacun d'eux est taxé, (car il ne sont point anges) qu'ils eussent voulu qu'ils eût été encore en Ecosse. Finalement ne le pouvant induire en sorte quelconque à jurer la primatie, et ne sachant comment autrement se venger de lui, ils l'envoyèrent prisonnier à la Tour." Boderie, May 8, 1607, vol. ii. 208. In 1611 he was liberated and sent into banishment at the request of the duke of Bouillon. Boderie, v. 517. 531. 540.

refractory objected to the authority of the council, and on that pretext were tried and condemned as traitors. It was an act of illegal and disproportionate severity;* but the prisoners gladly exchanged the crown of martyrdom for a life of banishment; and their colleagues were taught that the power of the sovereign was not to be braved with impunity.

2. When the general assembly at length met by the royal permission, the lord treasurer was careful to purchase the voices of some, and the silence of others, by a dexterous distribution of money. It was not that these holy men could

1606.

Dec.

be corrupted by bribes, but they felt no scruple to accept the arrears of former salaries, or a compensation for their expenses during the journey.†

3. Dunbar knew that, in the estimation of the more zealous, the extirpation of idolatry was paramount to every other duty. To induce them to yield to the wishes of the king, with respect to the superiority of bishops, he placed at their mercy the persons and property of the idolatrous papists. The compromise was accepted. The parliament enacted laws of recusancy; the clergy issued sentences of excommunication, and every catholic nobleman was compelled to receive an orthodox minister into his family, and was forewarned that, unless he should conform within a given period, his obstinacy would be punished with the judgment of forfeiture. At the same time, the prisons were filled with victims of inferior quality; and so severe was the persecution, that according to the statement of the French ambassador, the fate of the Scottish was still more deserving of pity than that of the English catholics.‡

* The charge was, that they had rejected the authority of the privy council, grounded on the act of 1584, "for maintaining his majesty's royal power over all estates." Spottiswood, 489. Balfour, ii. 10. The jury was packed by Dunbar. Dalrymple's Memorials, i. 1—4.

† Calderwood, 556. 565. Balfour, ii. 18. Spottiswood, (p. 513) defends them, "Certain of the discontented sort did interpret it to be a sort of corruption, giving out, *That this was done for obtaining the ministers' voices.* Howbeit the debt was known to be just, and that no motion was made of that business before the foresaid conclusions were enacted."

‡ Boderie, ii. 13, 14. 28. iii. 324. 450. iv. 15. "Les catholiques es Ecosse sont encore pis qu'en Angleterre; car outre le peu d'amour que le roi leur porte, il a tant d'envie d'y établir la religion d'Angleterre, et d'en être reconnu pour chef aussi bien-là, comme il est ici, que pour gagner les puritains qui sont les seuls qui l'y empêchent, il leur a che la bride à toutes sortes d'oppressions contre les catholiques." iv. 23. "Les catholiques d'Ecosse continuent à y être beaucoup plus travaillés qu'ils ne sont par-deçà." iv. 346. Idem. 372. "This," says Balfour, "was taken as cream and oyle to softin and smouthe the king's misterious desaignes." ii. 18. The Scottish catholics are said, in Winwood; iii. 52, to amount to 27 earls

At his accession James had promised to bless his countrymen with the royal presence at least once in the space of three years. Fourteen had elapsed, and he had not yet redeemed his pledge. It was not that he was forgetful of the place of his nativity,—in-
 sensible of the pleasure of revisiting the scenes endeared to him by the recollections of youth. The
 great impediment was his poverty. Lately, how-
 ever, he had restored to the Dutch the cautionary towns for one third of the sums for which they were pledged.* With the money he had satisfied the most urgent of the demands on the treasury: and this partial re-establishment of his credit enabled him to obtain, at an interest of ten per cent. a loan of 96,000*l.* as a fund to defray the expenses of a royal progress to Scotland. But besides pleasure, he had two important objects in view,—to reform the administration of justice, which was perpetually impeded by the influence of the hereditary sheriffs, and to complete the assimilation of the Scottish kirk to the English church; a work, which had succeeded so far under his servants during his absence, that he doubted not to accomplish the little which remained by his presence. When the parliament assembled, several deputies of principles hostile to the royal views, were ex-
 cluded by the sole authority of the sovereign; but
 in return, the persons whom he recommended for lords of the articles, were rejected by the peers, who suspected, and not without reason, a design to restore to the church the lands which had been severed from it by the reforming rapacity of their fathers. The king opened the session with a speech, one passage of which was not calculated to flatter the pride, nor to sooth the national antipathies of his countrymen. He had nothing, he told them, “more at heart than to reduce their barbarity (such was his expression) to the sweet civility of their neighbours: and if the Scots would be as docible to learn the goodness of the English, as they were teachable to limp after their ill, then he should not doubt of success; for they had already learnt of the English to drink healths, to wear coaches and gay clothes, to take tobacco, and to speak a language which was neither English nor Scottish.”† But

King visits
Scotland.

1816.
May.

1617.
June 7.

and barons, and 240 knights and gentlemen, besides inferior people. See also Spottiswood, 502, 5, 6. 9. 13.

* For 2,728,000 florins, instead of 8,000,000. Rymer, xvi. 783—787. If we may believe Peyton, for this service Winwood received from the states a present of £29,000. Peyton, 358.

† See a letter in Bacon, vi. 152. It perhaps deserves notice, that while the king was on his way to Scotland, intelligence arrived of the assassina-

he had already seen enough to moderate the expectations with which he came to Scotland. Some acts were indeed passed favourable to his purpose; one appointing commissioners to compound with the hereditary sheriffs, on the conversion of their sheriffdoms into annual offices; a second granting chapters to the different bishoprics; and a third enacting, that whatever the king might determine on religious subjects, with the consent of the bishops and of a certain number of clergymen, should be good in law. But against the last, before it was ratified with the touch of the sceptre, a strong remonstrance was offered. James hesitated, and to save his honour, ordered it to be withdrawn, under the pretence that

June 27. it was superfluous to give him by statute that which was the inherent prerogative of his crown.*

On the dissolution of the parliament the king proceeded to St. Andrew's, where the leading members of the clergy had assembled. Simpson, Ewart, and Calderwood, three of the remonstrants were brought before the court of high commis-

July 10. sion on charge of seditious behaviour, and were condemned, the two first to suspension and imprisonment, the other to perpetual exile. The king's will was then signified to their brethren in the shape of five articles, that the eucharist should be received in a kneeling, and not in a sitting posture: that the sacrament should be given to the sick at their own houses, as often as they were in danger of death; that baptism should in similar cases be administered in private houses; that the bishops should give confirmation to youth; and that the festivals of Christmas, Good Friday, Easter, Ascension day, and Whitsunday, should be observed in Scotland after the manner of England. These demands were received with manifest aversion by all present: but the fate of the three remonstrants acted as a salutary warning, and instead of opposing the royal will, they fell on their knees, and solicited the king to remit the five articles to the consideration of a general assembly. He assented on the assurance given by Patrick Galloway that no opposition would be offered: and soon afterwards hastened his departure to England.

tion of the Marshal d'Ancre, by Vitry: and that Buckingham wrote to the English ambassador to let Vitry know "how glad James was that he had been the instrument to do his master (the king of France) so good service." Birch, 402. Little did the favourite think, while he thus congratulated with the murderer, that he was himself destined to meet with a fate similar to that of d'Ancre.

* Spottiswood, 533. Parl. 1617, ch. i. ii. Bacon, vi. 152.

It was with difficulty that the Scottish ministers repressed their murmurs in the presence of their sovereign: he was no sooner gone than they spoke their sentiments without reserve. *Their* mode of celebrating the Lord's supper was conformable to the scripture: the administration of baptism, and the custom of receiving the eucharist in private houses, were the relics of popery: the festival of Christmas they considered as the revival of the pagan Saturnalia; those of Easter and Whitsuntide of the ceremonial law of the Jews: in a word, all the articles were pronounced superstitious, and without warrant in the scripture.* In this temper of mind the assembly was held at St. Andrew's: and the only concessions made to the king were, that the minister should distribute the elements at the Lord's supper, and that sick men might communicate at their own houses, provided they previously took an oath that they did not expect to recover.† James, who had looked for a very different decision, considered it as a mockery and an insult: he ordered the observance of the five articles to be enjoined by proclamation; the council withdrew the promised augmentation of stipend from the refractory ministers; and in the next assembly at Perth, lord Binning, the treasurer, procured by his address a majority in favour of the royal demands.‡ Three years later he ventured to propose them in parliament; and an act was passed to enforce a discipline repugnant to the feelings and prepossessions of the people.§ The king had promised to content himself with this concession: he kept his word. The history of his mother and grandmother had convinced him of the stern uncompromising temper of the Scottish religionists; and to his chaplain, Dr. Laud, whose zeal advised more vigorous measures, he replied, that it was better to preserve peaceably what had been obtained, than to hazard all by goading a whole nation into rebellion.||

Episcopacy
established
by Parlia-
ment.

Nov. 25.

1618.
Aug. 25.

1621.
Aug. 4.

* Examination of the articles of Perth.

† See lord Binning's letter to the king, Nov. 28, in Dalrymple, i. 84.

‡ See another letter from the same, *ibid.* 87. After much contestation, instead of putting the separate articles to the vote, the question was proposed, would they in this obey or disobey the king? Eighty-six voted in the affirmative, forty-one dissented.

§ By a majority of seventy-eight to fifty-one. At the same time he obtained a subsidy in aid of the palatinate of £400,000 Scots, to be paid by instalment in that and the three following years. See the letters of the earl of Melros, which disclose the whole mystery of managing a Scottish parliament. Dalrymple, 108—139. Balfour, ii. 84.

|| Hacket's Life of Williams, part i. 64.

Ireland. III. The reader will recollect the wars which, during the last reign, desolated Ireland, and distracted the councils of Elizabeth. In their origin they were similar to those which had existed under her predecessors; they sprung from the love of liberty, and the hatred of foreign domination; but her defection from the church of Rome, and her attempt to impose a new worship by dint of authority, connected them with religious feelings, and rendered them infinitely more dangerous. Hitherto, the natives had been taught to look on the pope as the lord paramount of Ireland: it was a notion encouraged by former kings and parliaments, as a cheap expedient to procure obedience:* but it now re-acted with double force against a princess under the sentence of excommunication and deposition. The champions of independence appealed to the protection of the pontiff, as their feudal, no less than their spiritual, superior. I am not aware that this title was ever positively admitted or rejected, but the popes repeatedly sent them pecuniary, and sometimes military, aid, and often by letters and messages exhorted the Irish to throw off the English yoke, and to vindicate their country from civil and religious thralldom. With many these exhortations had considerable influence, but the majority of both races continued faithful to Elizabeth: and though they were tempted by the papal envoys, though they were upbraided as traitors and apostates by their revolted countrymen, the Irish catholics fought under the English colours against Desmond, and formed one half of the loyal army which, under Mountjoy, triumphed over the wiles, the obstinacy, and the despair of Tyrone.†

But the exceptions made to Elizabeth did not apply to James. Against him no excommunication had been pronounced, nor was he a prince exclusively of Saxon or Norman origin. He claimed his descent from Fergus, the first king of the Scots in Albion; and Fergus, as a thousand genealogies could prove, was sprung from the ancient kings of Erin. His accession, therefore, was hailed as a blessing by the aboriginal Irish: they congratulated each other on the event—they boasted that the sceptre of Ireland was restored to the rightful line in a descendant of Milespane.‡

* Irish Stat. 7 Ed. iv. c. ix.

† See in O'Sullivan a list of the catholic chieftains serving in the English armies, iii. 114; also Moryson, 112. 256. *Pacata Hibernia*, pref. and p. 38, edit. of 1820, and O'Nial's proclamation in Leland, ii. 364.

‡ Lynch, *Alithinologia*, 27. See these genealogies illustrated by Dr. O'Connor, *Proleg.* i. 122—144.

Though an act of parliament had been passed under Elizabeth to abolish the catholic worship in Ireland, it had not been in the power of a handful of protestants to deprive a whole people of their religious rites. If the law were at all obeyed, it was only in the garrison towns, where submission could be enforced at the point of the bayonet, and even in these the great mass of the inhabitants, the chief burghers and the magistrates, secretly cherished their former attachment to the catholic creed. The death of Elizabeth afforded them an opportunity of expressing their sentiments with less restraint, and the announcement of that event was immediately followed by the restoration of the ancient service in Cork, Waterford, Clonmel, Limerick, Cashel, and other places. To the prohibitory commands of the lord deputy, answers were returned in a tone of resolution and defiance: batteries were raised on the walls, and preparations made for resistance, and at Cork blood was shed in different affrays between the military and the citizens. Mountjoy the lord deputy, acted with promptitude and decision. He collected a strong body of troops, proceeded from town to town, and partly by argument, partly by intimidation, prevailed on the inhabitants to submit. Then, having previously published, under the great seal, an act of "oblivion and indemnity," he left the island, and took with him to England, as the heralds of his triumph, the repentant chieftains, Tyrone and O'Donnel, with their principal retainers.*

But the forcible abolition of their worship, and its consequence, the weekly fines for absence from church on the Sundays, were not the only grievances of which the Irish catholics complained. By law, the oath of supremacy was required from every individual who sought to take literary honours, or to plead at the bar, or to hold the office of magistrate, or to sue out the livery of his lands. Often it was tendered, and the catholic was reduced to the distressing dilemma of swearing against his conscience, or of resigning all prospect of future advancement in life; often it was withheld, yet he still knew that he enjoyed this indulgence by sufferance only, and that he lay at the mercy of the government, and of every malicious or interested informer. Much indeed, has been said in praise of the forbearance with which these laws were executed in Ireland, during a great part of the present reign; but that forbearance was only occasional, and even then, it proceeded not from any just notion of toleration, but solely from a sense of weakness,

Public tranquillity.

Religious discontent.

* Moryson, ii. 330—342.

from a persuasion that "the ripeness of time was not yet come."**

It was soon known in Ireland that the two chieftains had been graciously received by the new monarch; that Tyrone had recovered his former honours, and that his companion had been created earl of Tyrconnel. Encouraged by the intelligence, the catholics sent over a deputation to join the two earls in petitioning for the free exercise of their religion. But James treated the proposal as an insult. It was, he told them, contrary to his conscience; as long as he could find one hundred men to stand by him, he would fight till death against the toleration of an idolatrous worship. Not content with this refusal, he committed four of the deputies to the tower, where they remained for three months in punishment of their presumption.†

Two years later a proclamation was issued, commanding all catholic priests to quit Ireland under the penalty of death:‡ and an order was sent to the magistrates and principal citizens of Dublin to attend regularly at the reformed service. By law the refusal subjected the offenders to a certain fine: in this instance it was also visited with imprisonment. The great English families within the pale became alarmed. They remonstrated against the punishment as illegal, and prayed to be indulged with freedom of religious worship. But the chief of the petitioners were arrested and confined in the castle: their spokesman, sir Patrick Barnwell, was sent to England, and incarcerated in the Tower.

* These are the words of Bacon, who adds, "Therefore my advice is, in all humbleness, that this hazardous course of proceeding, to tender the oath to the magistrates of towns, proceed not, but die by degrees." *Cabalists*, 39.

† Beaumont, despatch of Aug. 20th, 1603. The reader will observe that from that day, it became the practice, whenever a petition was presented from the Irish catholics, to commit some of the deputies to prison.

‡ Among those who were apprehended in consequence was Lalor, vicar apostolic in the three dioceses of Dublin, Kildare, and Ferns. He was tried on the second of Elizabeth, and sentenced to a year's imprisonment, and the forfeiture of his personal property. During his confinement, he was repeatedly visited by the lords of the council, and induced to acknowledge the king as head in causes ecclesiastical. That he acted with duplicity is evident. When he was reproached as an apostate by the catholics, he replied that he had not admitted any spiritual authority in the king, but meant by causes ecclesiastical, those causes which by the existing laws were carried before the ecclesiastical courts. In punishment he was tried a second time on the statute of præmunire, and though it is evident that his offence could never have been contemplated by the framers of that statute, he was condemned to perpetual imprisonment. See Davis's Report in *State Trials*, ii. 533.

To allay the discontent occasioned by this act of oppression, James issued a commission of graces. Commission of graces.
“The levy of fines for absence from church, and the administration of the oath on the livery of lands, were suspended till further orders, the established clergy were forbidden to exact undue fees from recusants for burials, baptisms, and marriages; and general pardons under the great seal were offered to all who would sue them out of the chancery.” These indulgences were meant to prepare the way for the king’s favourite plan of assimilating the tenure of lands in his Irish, to that which prevailed in his English dominions. By a judgment given in the court of king’s bench, the old national customs of tanistry and gavel-kind were pronounced illegal; and a royal proclamation called on the possessors of lands to surrender their defective titles to the crown, with a promise that they should receive them back in more valid form, and on more eligible conditions. In a country where force had for centuries usurped the place of right, there were few titles which could bear the scrutinizing eye of a legal practitioner. The boon was generally accepted: but the commissioners, according to their instructions, carefully distinguished between the lands held in demesne, and those which had been parcelled out to inferior tenants. The first were returned by patent to the original owner as an estate in fee; in place of the others he received only a rent charge, payable by the tenants, and equal in value to the services which had formerly been rendered. It was expected that from this new system, the most valuable benefits would be derived both to the king and to the people: to the king, because, by destroying the principle of hereditary clanship, it would take from the chieftains the power of disputing the royal pleasure: to the people, because by giving to the inferior tenants with the right of freeholders an interest in the soil, it would wean them from their habits of turbulence and idleness, would introduce principles of improvement and civilization; and would teach them to look up to the sovereign as their legitimate protector. But experience did not realize these flattering predictions. The power of the Irish lords, indeed, “sodainly fell and vanished,”* and the mass of the

* Davies, 259. “When an Irish lord doth offer to surrender his country, and hold it of the crown, his proper possessions in demesne are drawn into a particular, and his Irish duties, as coshering, sessings, rents of butter and oatmeale, and the like, are reasonably valued, and reduced into certain summes of money to be paid yearly in lieu thereof. This being done, the surrender is accepted, and thereupon a grant passed, not of the whole country, as was used in former times, but of those lands only which are

people was loosened from all dependence on their former superiors: but they were not, on that account, more firmly attached to the crown. Instead of obeying their own hereditary leaders, they found themselves at liberty to follow every interested demagogue, every unprincipled adventurer, who was able to inflame their passions, and goad them to acts of violence.

Tyrone and Tyrconnel left the English court with expressions of gratitude, but with feelings of distrust. Subsequent events confirmed their suspicions: and the harsh conduct adopted towards the catholics, with the attempt to divide the chiefs from their vassals, led them to believe that it was resolved to reduce the power, and to annihilate the religion of the natives. In this temper of mind they accepted an invitation to meet Richard Nugent, baron Delvin, at the castle of Maynooth. Delvin was born and bred in the Tower, where his mother had voluntarily shared the confinement of her husband, a prisoner during life, not because he had opposed, but because he was thought capable of opposing, the authority of the late queen. The three noblemen communicated to each other their resentments for past, and their apprehensions of future wrongs: they concurred in opinion, and bound themselves to each other to defend their rights and their religion by open force.* That any project of insurrection was at that time arranged, is improbable; but two years later secret information was received by James from some person in the court and confidence of the archduke at Brussels, that Tyrone had sought to renew his former relations with the king of Spain. His ruin was immediately determined: and to decoy him into England without awakening his suspicions, a pretended claim to a considerable portion of his lands was set up in obedience to secret instructions from the ministers.† The Irish government declined the cognizance of the cause as too delicate and important: and both parties received notice to appear with their titles before the council in England. But Tyrone was a match for the cunning of his adversaries. He sent to his attorney full power to act in his name: and, when the lord deputy informed him from the king, that his presence

found in the lord's possession, &c.; but the lands which are found to be possessed by the tenants are left unto them respectively charged with those certain rents only, in lieu of all uncertaine Irish exactions." Davis, *Discovery*, 260.

* Lynch, *Alithinologia*, Supplem. 186. in Dr. O'Connor's *Historical Address*, ii. 226.

† In Boderie it is said that the plaintiff was a relation, in Carleton that he was Montgomery, Archbishop of Armagh.

would be necessary to defeat the intrigues of the plaintiff, he solicited a respite of thirty days, that he might collect money, and make preparations for the journey. The request was granted: and before the expiration of the term, Tyrone with his wife, his two younger sons, and nephew; and Tyrconnel, with his son and brother, lord Dungannon, and thirty other persons, embarked in a vessel which had arrived from Dunkirk, and landed in a few days at Quillebecque, in Normandy. James at first persuaded himself, that they had shaped their course to Spain, and would return with the Armada, which during the summer had been collected in the Spanish ports: the intelligence that they had proceeded through France to Brussels gave him leisure to breathe. He demanded their persons as traitors; and issued a long proclamation describing them

1606.
Sept. 17.

as men of mean birth, who had been ennobled only for reasons of state; of corrupt morals, whom no man would think of molesting for religion; of rapacious dispositions, who, though their own rights were not invaded, constantly sought to invade the rights of others; and of traitorous intentions, who had designed to raise a rebellion, to invite a foreign force into the realm, and to put to death all Irishmen of English descent.* But the foreign courts, in defiance of his remonstrances, persisted in treating them as exiles for their rights and religion. Most of them were admitted into the Spanish army in Brabant: Tyrone proceeded to Rome, where he received a monthly pension of 100 crowns from the pope, and of 600 from the king of Spain.†

As soon as the alarm had subsided, search was made for the real or supposed associates of the fugitives. Many of their friends suffered in Ulster: several were sent for examination to England; and three gentlemen, sir Christopher St. Lawrence,

Sufferings
of his
friends.

* Rymer, xxv. 664. The ambassador hints a doubt of the accuracy of the charge, but adds, that the flight of the earls by raising fears caused a relaxation of the severity used towards the catholics. A report was spread that Tyrone intended to massacre all the protestants in Ireland. "La conspiration étoit, à ce qui se publie maintenant parmi ce peuple, de faire de vèpres Siciliennes sur tous les Anglois qui sont en Irlande, et puis y rétablir la religion catholique. Je ne sçais si le principal but dudit Comte eût été de profiter à la religion; mais quoi qu'il en soit, ce qu'il a fait n'y a point déjà été nuisible. Car la vérité est que depuis cela, on n'a pas si sévèrement poursuivi les catholiques, comme on faisoit auparavant." Boderie, Dec. 20. 1607. ii. 488.

† There are several accounts of the causes leading to the flight of the earls: I have preferred that which was sent to the king of France by his ambassador. Boderie, ii. 387. 390.

the eldest son of Tyrone, and lord Delvin, were secured in the castle of Dublin. The last was tried and con-

Nov. 21. demned: but on the morning appointed for his execution, his warder found the cell empty.

With the aid of a cord he had escaped out of a window on the preceding evening, and mounting on horseback, had reached in safety the castle of Clochnacter. Proclamations were dispersed, rewards offered, and pursuivants despatched in all directions; but so trusty were his confidants, so secret his motions, that no trace of his flight could be discovered; and the first time the fugitive appeared in his real character, he was seen at court on his knees before the king, soliciting mercy, and holding in his hand a long history of the wrongs done to his father and to himself. James was moved to pity: he admitted as an apology the provocations which had been received; and not only pardoned the offence; but raised the suppliant to the higher dignity of earl of Westmeath. The subsequent services of Nugent repaid and justified the clemency of his sovereign.*

Whether O'Dogherty, chieftain of Innish-
 owen had been privy to the designs of Tyrone, may be doubted—it is certain that he had formerly received a blow from the hand of Pawlet, the governor of Derry, and that he burned to wash away the insult with the blood of his enemy. A marriage
 1608. banquet furnished the opportunity: the party
 April. was surprised at table; and Pawlet with five others fell the victims of revenge. Hart, the governor of Culmore, was made prisoner. O'Dogherty led his captive to the gate of the fortress, demanded to parley with the wife of Hart, and allowed her a short term to choose between the death of her husband, or the surrender of the place. Her tears and entreaties prevailed on the pity or cowardice of the garrison; Culmore supplied the chieftain with artillery, arms, and ammunition; and Derry with its castle, submitted to his power. This unexpected event excited new hopes and fears. Messengers from the exiles exhorted O'Dogherty to persevere, till they should come to his support; the council strained every nerve to suppress the insurrection, be-
 May. fore the arrival of foreign aid. The two first attempts ended in the discomfiture of the royalists, who lost three or four hundred men; but on the approach of Wingfield, marshal of the camp, the chieftain dismantled the two fortresses, and retired among the bogs and mountains. For two months he

* Lynch, ubi supra.

kept his enemies at bay; but one morning, exposing himself incautiously, he was slain by a random shot, and the voluntary dispersion of his followers immediately put an end to the rebellion.*

These occurrences opened to the king a fair field for the display of his proficiency in the art of legislation, which he valued no less highly than his theological knowledge. By the outlawry of the fugitives, and the revolt of O'Dogherty, it was estimated that two millions of acres, almost the whole of the six northern counties of Cavan, Fermanagh, Armagh, Derry, Tyrone, and Tyrconnell, had escheated to the crown. James was aware that the endeavours to colonize Ulster under Elizabeth had proved unsuccessful; but he enquired into the causes of the failure, called to his aid the local knowledge of the lord deputy Chichester, and after long deliberation, determined to make another trial on a new and improved plan. By it, the lands to be planted were separated into four portions, of which two were subdivided into lots of 1000, a third into lots of 1500, and a fourth into lots of 2000 acres. The larger lots were reserved for "undertakers and servitors," that is, adventurers of known capital from England and Scotland, and the military and civil officers of the crown; the smaller were distributed indiscriminately among these, and the natives of the province. It was, however, determined that the latter should receive their allotments in the plains and more open country; the undertakers and servitors on the hills and in positions of strength; that from the first nothing more should be required than a crown rent of a mark for every sixty acres, but that the latter should be bound to take the oath of supremacy, and to admit no tenant who was not of British origin. Such was the plan; but in the execution it suffered numerous modifications. Of the whole district, in many parts mountainous and uncultivated, a large portion was never divided at all; and several of the native chieftains, under the plea of loyalty, or by the influence of presents, procured grants of their former possessions. Yet some hundred thousand acres were planted: and the vigour of the measure, joined to the intermixture of a new race of inhabitants, served to keep in awe those turbulent spirits,

Plantation
of Ulster.

* Boderie, iii. 266. 289. 322. 341. O'Sullivan, 210. This writer bitterly laments that the force under Wingfield, was composed chiefly of catholics.

that had so often defied the authority and arms of the English government.*

Institution of baronets. The supposed necessity of a military force, for the protection of the colonists, suggested to sir Anthony Shirley a new project of raising money for the use of the king.† He proposed the creation of a new title of honour, that of baronet, intermediate between those of baron and knight; that it should be conferred by patent, at a fixed price, for the support of the army in Ulster, that it should descend to heirs male, and be confined to two hundred individuals, gentlemen of three descents, and in the actual possession of lands, to the yearly value of £1000. James approved of the scheme: the patents were offered at the price of £1095, the estimated amount of the charge of thirty soldiers during three years; and purchasers were found, though in smaller numbers than had been expected. It is unnecessary to add that the money never found its way to Ireland.‡

Disputes in parliament. The tranquillity of the island encouraged the lord deputy to announce his intention of holding a parliament, after an interval of seven and twenty years. His avowed object was to enact new laws, and to obtain a supply for the king; but the catholics suspected a further design of imposing on their necks that penal code which weighed so heavily on their brethren in England.

Their fears were first awakened by successive proclamations enforcing the penalties of recusancy: they were confirmed by the copy of a real or pretended act transmitted from the council in England to that in Ireland;§ and an additional alarm was excited by the

* The project, orders, and survey, may be seen in Harris. Dr. O'Connor observes that the account given by Cox, should be corrected by the statements in the *Desirata curiosa Hiberniæ*, Address, ii. 296. But if we may believe lord Wentworth in the next reign, no faith is to be given to the measurements. He found that most of the undertakers had obtained ten times as much land as was stated in their patents, and at the same time neglected to fulfil their contracts. *Stafforde Papers*, i. 132. 405.

† Selden, part ii. p. 821. 906. 910. "My father," says Thomas Shirley to the king, "being a man of excellent and working wit, did find out the device of making baronets, which brought to your majesty's coffers well nigh 100,000*l.*, for which he was promised, by the late lord Salisbury, lord treasurer, a good recompense, which he never had." Dalrymple, i. 69.

‡ In the six years ninety-three patents were sold, raising in all 101,835*l.* See Abstract of the king's revenue, 36—38. It was promised in the patents that no new title of honour should ever be created between barons and baronets, and that when the number of 200 had been filled up, no more should ever afterwards be added. *Somers' Tracts*, ii. 254.

§ By it the punishment of high treason was to be enacted against all priests, who should remain in the kingdom after the term of forty days

extraordinary exertions of the lord deputy to secure a majority in the house of commons. Since the last parliament seventeen new counties had been formed, and forty new boroughs had been incorporated, though most of the latter consisted only of a few scattered houses built by the undertakers in Ulster. The lords of the pale presented a petition to the council, remonstrating in strong though respectful language against these illegal incorporations, and demanding that all laws, which had for their object to force consciences, should be repealed.* What answer was returned is unknown; but the parliament met. On a division respecting the choice of a speaker, it appeared that the protestants had a majority of more than twenty members: but their adversaries objected to many of the returns, they seceded from the house, and so specious was their cause, so menacing their appearance, that the lord deputy did not venture to proceed. He prorogued the parliament, and the two parties appealed to the justice of the king.

1612.
Nov. 23.

1613.
May 18.

During the contest the catholics had presented a remonstrance containing the catalogue of their religious grievances. They complained that obsolete statutes had been of late revived and carried into execution: that their children were not allowed to study in foreign universities: that all the catholics of noble birth were excluded from offices and honours, and even from the magistracy in their respective counties: that catholic citizens and burgesses were removed from all situations of power or profit in the different corporations: that catholic barristers were not permitted to plead in the courts of law: and that the inferior classes were burdened with fines, excommunications, and other punishments, which reduced them to the lowest degree of poverty. In conclusion, they prayed that, since

Remon-
strance of
Catholics.

from the conclusion of the parliament; and every person harbouring or aiding priests, was for the first offence to pay 40*l.*, for the second to incur a *præmunire*, for the third to suffer death. See it in *Hibernia Dominicana*, 619.

* The catholics in the petition presented by their deputies, complained that they, the ancient nobility and gentry of the pale, were "vilipended, set at nought, and disgraced by men newly raised to place and power; that the new boroughs were incorporated with the most shameful partiality;" and that their representatives were attorneys' clerks, and servants; they requested the king to weigh the discontent created by such measures, and the danger to be feared from the "evil-affected which were numbers by reason of the already settled and intended plantations:" and to pacify the nation, lest a civil war, fomented, perhaps, by some foreign power, should be the consequence. See it in *Leland*, ii. 450.

persecution could not wean them from their religion, the king would adopt a more moderate course, which might restore tranquillity, and provide at the same time for his own interests and those of the people.

After the prorogation they sent the lords Goring judges between the parties. manstown and Dunboyne in the name of the catholic peers, and two knights and two barristers in the name of the commons, to lay their petition at the foot of the throne. To defray the expense of this mission a general collection was made throughout the kingdom, and all classes contributed their portion in the face of a prohibitory and menacing proclamation.* By James

the deputies were graciously received; but his
1613. itch of talking soon changed him from a judge to
July 9. a party; he answered their arguments and refuted their claims.† A commission of inquiry was, however, granted: and the king, having received the report, pronounced his approval of the conduct of the lord deputy, while he left that of the inferior officers of government open to

further investigation. Chichester himself, with
1614. the earl of Thomond, Denham the chief justice,
Feb. 7. and St. John, the master of the ordnance, attended in England; the complaints of the recusants were repeatedly debated during two months: and it was conceded that two of the returns to parliament were illegal, and that the representatives of boroughs incorporated after the writs were issued, had no right to sit during the session. To the remaining complaints no particular answer was returned: but

May 8. James sending for the deputies, and several Irish lords and gentlemen who had joined them, pronounced a severe reprimand, and was proceeding to tax them with disloyalty on the ground of religion, when lord Delvin,

* O'Sullivan, iv. 247. *Hibernia Dominicana*, 625.

† The English council sought to intimidate the petitioners, (Winwood, iii. 463. 468.) and, as usual, committed two of the deputies, Lutterel to the Fleet, and Talbot to the Tower. The jesuit Suarez had lately asserted the deposing power. Several extracts from his work were laid before Talbot, with an order to give his opinion of their truth or falsehood. He sought to evade the task by declaring, that on points of faith he thought with the catholic church; in point of loyalty, he acknowledged James to be lawful and undoubted king of England, Scotland, and Ireland, and to him he would bear true faith and allegiance during his life. This answer was pronounced a great offence; and after several other answers, to which more or less objection was made, Talbot was brought before the star-chamber. The result we know not. But it was confessed that his last answer had given full satisfaction, and he was probably dismissed with an admonition. Bacon, iv. 420.

falling on his knees, protested that he was and always would be faithful to the king, but that no consideration should ever induce him to abjure the worship of his fathers; wherefore, if it was supposed that the profession of the catholic faith could not be reconciled with the loyalty of a good subject, he begged permission to retire to some foreign country, where he might serve his God without constraint to his conscience or offence to his sovereign. The king was disconcerted by this interruption; but recovering himself, he said that it was not to Delvin, but to the others that his words had been directed; but by their resistance to his deputy they had incurred high displeasure; but that he would allow them to return to Ireland, in the hope that their future submission would justify his present lenity.*

The appearance of another proclamation, leaving to the catholic clergy of Ireland the option between self-banishment or death, taught the public to believe that the lord deputy had gained a complete victory over his opponents. But, however anxious James might feel to strengthen the protestant interest in that island, he saw that additional persecution, without a larger force than he could maintain, would only provoke a general and perhaps successful rebellion. He sent Chichester back with instructions to sooth rather than irritate: the recusants received private assurances of forbearance and indulgence; and when the parliament met again, both parties appeared to be animated with the same spirit of reconciliation and harmony. Every attempt to revive the late controversy was silenced; and the two houses joined in a petition that catholic barristers might be permitted to plead in defiance of the law. With similar unanimity, an act was passed recognising the right of James to the crown; the attainder of Tyrone, Tyrconnel, and O'Dogherty, with their accomplices, and the plantation of Ulster, were confirmed by law; all statutes establishing distinctions between Irishmen of the two races were abolished, and a liberal subsidy was cheerfully granted to the crown.†

Conclusion
of parliament.

May 30.

1615.

Oct. 24.

* *Hibernia Dominicana*, 626—628. Plowden, i. App. xvii.

† In the convocation the clergy adopted a code of doctrinal articles for the use of the Irish church, compiled chiefly by the celebrated Usher. They amount in number to one hundred and four, and lean much more to the opinions of Calvin, than the thirty-nine articles of the church of England. See them in Wilkins, iv. 445—454.

New planta-
tions.

1616.

1622.

1618.

Feb. 16.

1623.

Jan. 21.

Chichester was succeeded in the office of deputy by Oliver St. John, and St. John by Carey, viscount Falkland. Under the former an attempt was made by order of the English council, to enforce the legal fine for absence from church, and the judges were instructed to begin by reporting the names of a few catholics in each county, likely from the timidity of their disposition to submit, and from the influence of their station to find imitators among the people. By Falkland a most menacing proclamation was published, commanding every catholic clergyman to quit the kingdom within fifty days, under the peril of incurring the royal indignation, and of suffering the severest penalty enjoined by the law. But the policy of such measures was very questionable. They could produce no benefit, because it was impossible to carry them into execution; and they served to irritate, because they proved the hostile and intolerant disposition of the government.*

James himself was convinced that before he could extirpate the catholic worship, it would be necessary to colonize the other provinces after the example of Ulster. New inquiries into defective titles were instituted, and by the most iniquitous proceedings it was discovered, that almost every foot of land possessed by the natives belonged to the crown.† First the sea coast between Dublin and Waterford was planted: then came the counties of Leitrim and Longford; next followed King's county, Queen's county, and Westmeath. James had required that three-fourths of the lands should be restored to the original occupiers; but his orders were disregarded; the Irishman was fortunate who could recover so much as one-fourth: many were stripped of every acre which they had inherited from their fathers, and several septs were transplanted from the soil that gave them birth, to the remotest parts of the

* *Hibernia Dominicana*, 636, 637.

† Carte's *Ormond*, l. 26. "Where no grant appeared, or no descent or conveyance in pursuance of it could be proved, the land was immediately adjudged to belong to the crown. All grants taken from the crown since 1 Edward II. till 10 Henry VII. had been resumed by parliament, and the lands of all absentees and of all that were driven out by the Irish, were by various acts vested again in the crown. . . Nor did even later grants afford a full security; for if there was any former grant in being at the time that they were made, . . . or if the patents passed in Ireland were not exactly agreeable to the fiat, and both of these to the king's original warrant transmitted from England; in short, if there was any defect in expressing the tenure, any mistake in point of form, any advantage to be taken from general savings and clauses in the patents, or any exceptions to be made in law, (which is fruitful enough in affording them,) there was an end of the grant and of the estate that was claimed under it."

island.* From Leinster the projectors travelled westward, and claimed for the king the whole province of Connaught, and the adjoining county of Clare, as having formerly belonged to the earl of Ulster. In the reign of Elizabeth it had been agreed that the occupiers of this extensive district should surrender all their lands, and receive them back on certain conditions. The agreement was performed: but the patents, for some unknown reason, were not delivered. To supply the defect, in the thirteenth of James, they made a second surrender, received the patents, and paid 1623. three thousand pounds as the price of enrolment in chancery. Within four years it was discovered that through the malice or neglect of the officers, the enrolment had not been made: and James was advised to take advantage of the omission, and to re-assert his right to the whole country. But the firm and menacing language of the occupiers alarmed the mind of the king: they protested against the injustice of the measure, and hinted a resolution to keep by the sword, what they had rightfully inherited from their ancestors. A composition was proposed. James renewed the patents for a double annual rent, and a fine of £10,000: and the inhabitants congratulated themselves on their fortunate escape from the rapacity of the projectors and of the sovereign.†

Such was the state of Ireland at the death of the king. Civil injury had been added to religious oppression. The natives, whom the new system had despoiled of their property, or driven from the place of their birth, retained a deep sense of the wrongs which they suffered; and those, who had hitherto eluded the grasp of the servitors and undertakers, pitied the fate of their countrymen, and execrated a government from which they expected in a few years a similar treatment. There was, indeed, a false and treacherous appearance of tranquillity: and James flattered his vanity with the persuasion, that he had established a new order of things, the necessary prelude to improvement and civilization. In a short time his error became manifest. He had sown the seeds of antipathy and distrust, of irritation and revenge; his successor reaped the harvest, in the feuds, rebellions, and massacres, which for years convulsed and depopulated Ireland.

* No fewer than seven septs were removed from Queen's county to that of Kerry, and forbidden to return under martial law. The seignory of Torbert was given by the king to sir Patrick Crosby, on condition he should lease out one-fourth to the new comers on reasonable rates. A few, and only a few leases were made. See Stafford's despatches, i. 69. See another case in Carte, which, he says, for injustice and cruelty is scarcely to be paralleled in the history of any age or country. i. 27—32.

† Carte, i. 22—27.

CHAP. III.

JAMES I.

PERSECUTION OF THE CATHOLICS, PURITANS, AND UNITARIANS—BACON—BUCKINGHAM—THE FAMILY OF THE LAKES—SIR WALTER RALEIGH—THE PALATINE ELECTED KING OF BOHEMIA—PROCEEDINGS OF PARLIAMENT—IMPEACHMENTS—DISGRACE OF BACON—WILLIAMS MADE LORD KEEPER—HOMICIDE BY ARCHBISHOP ABBOT—DISSENTION BETWEEN THE KING AND THE COMMONS—MARRIAGE TREATY WITH SPAIN—THE PRINCE AT MADRID—THE MATCH BROKEN OFF—PARLIAMENT—SUPPLY—IMPEACHMENT OF THE LORD TREASURER—INTRIGUE AGAINST BUCKINGHAM—PREPARATIONS FOR WAR WITH SPAIN—MARRIAGE TREATY WITH FRANCE—DEATH OF THE KING.

Archbishop Under archbishop Bancroft the church had been "purged" of the non-conformist ministers. Abbot. Fines and imprisonment, and deprivation, had taught a wholesome lesson, and the less obstinate persuaded themselves that it was lawful to submit in silence to that, which, though they might condemn, they could not prevent. At the death of Bancroft the prelates recommended for his successor, Andrews, bishop of Ely: James preferred Abbot bishop of London, not, however, as he told him, in reward of his own merit, but of that of his patron, the earl of Dunbar.* Abbot did not inherit that stern spirit of orthodoxy which distinguished his predecessor: though he approved of the established discipline himself, he respected the scruples, and connived at the disobedience of others; and his moderation, as it was called by his friends, though his enemies termed it a culpable and treacherous indifference, encouraged some of the puritan preachers to establish separate and independent congregations on the following basis: 1. that it was unlawful to adopt in the worship of God any form or ceremony not expressly warranted in scripture: 2. that each congregation is a distinct church, independent of all others: 3. that

* Birch, Negotiations, 338.

the pastor of every such congregation is supreme under Christ, and exempt from the control or censure of any other minister.*

In proportion as the metropolitan inclined towards puritanism, he displayed the most active antipathy against the professors of the ancient faith. But his vehemence was checked by the moderation of James, who, less prodigal of human blood than his female predecessor, less willing to pass in the estimation of foreign princes for a sanguinary persecutor, preferred more lenient punishments to that of death. Though the prisons were crowded with priests,† yet during the long lapse of eleven years, from 1607 to 1618, the number of those who suffered as traitors for the exercise of their functions, amounted only to sixteen; a most lamentable falling off in the estimation of men, who had been accustomed to feast their zeal with an equal number of similar executions in the course of twelve months.‡

Sufferings
of the Ca-
tholics.

The lay catholics were still liable to the fines of recusancy, from which the king, according to his own account, received a net income of 36,000*l.* per annum.§ But the statute of 1606 had severely aggravated their sufferings. They were repeatedly summoned to take the new and disputed oath of allegiance. Non-attendance was visited with excommunication, and the civil consequences of that ecclesiastical sentence: and the refusal of the oath subjected them to perpetual imprisonment, and the penalties of a *præmunire*. When the king in 1616, preparatory to the Spanish match, granted liberty to the catholics confined under the penal laws, four thousand prisoners obtained their discharge. Such at least was the number according to the puritan writers, whose zeal most bitterly laments that so many idolators should be let loose to pollute a soil, purified by the true doctrines of the gospel.||

* Neal's History of the Puritans, part ii. ch. i.

† They were four hundred in 1622. Ellis, Original Letters, iii. 128.

‡ Challoner, ii. 16—120.

§ Hardwicke papers, i. 446.

|| Neal, part ii. c. 2. Of the intolerant principles which prevailed at this time, the reader may form a notion from the following instance. On the 7th of May, 1613, several persons were arraigned in the star chamber on a charge of having defamed the earl of Northampton and six other lords of the council, by asserting that they had solicited the king to grant toleration to the catholics, but had been successfully opposed by archbishop Abbot and the lord Zouch. When the lords delivered their opinions, sir Edward Coke asserted, that the conduct attributed to lord Northampton was little short of high treason, because to advise toleration was to advise the king against the rights and dignity of the crown: the bishop of London and the

Another grievance arose from the illegal extortions of the pursuivants. Armed with warrants from the magistrates or the under sheriff, they selected a particular district, and visited every catholic family under the pretext of enforcing the law. From the poor they generally exacted the sacrifice of their furniture or their cattle: to the more wealthy they repeatedly sold their forbearance for large sums of money. Experience proved that it was most prudent to submit. The very show of resistance generally provoked a forced search, in which plate, jewels, and the most valuable effects were carried off as superstitious articles, and the owner was conducted to prison, unless he would redeem himself by the payment of a large bribe.* These excesses attracted the notice of parliament: a promise of redress was given; and a royal proclamation proved, but did not abolish the prevalence of the evil.†

Besides the catholics and puritans, there was a third class of religionists obnoxious to the law, the unitarians, few in number, but equally unwilling to abjure their peculiar doctrines. One of these, by name Bartholomew Legat, was convented before the episcopal court in St. Paul's, and charged with a denial of the trinity. His obstinacy was proof against the arguments of the prelate; it resisted even the theology of the king. The bishop delivered him over to the secular power, and James ordered him to be burnt in Smithfield. Three weeks later Edward Wrightman, who to the denial of the trinity added the assertion that he was the holy spirit promised in the scriptures, suffered a similar fate at Norwich.‡ "God,"

1612.

March 3.

March 18.

April 11.

earl of Shrewsbury prayed that they might never live to see the day when toleration should be granted: and the archbishop said, he would fearlessly declare that in such case the king would cease to be the defender, and would become the betrayer of the faith. In conclusion the delinquents were severally adjudged to lose one ear, to pay a large fine, and to suffer perpetual imprisonment. Extract from a private letter in my possession. dated London, May 9, 1613.

* From private letters in my possession.

† "Under colour of certain general or dormant warrants they have committed many outrages, abuses, and misdemeanours, as well in searching the houses of divers our honest and well affected subjects without just cause of suspicion, and taking and seizing goods, plate, and jewels, no way leading to superstitious uses, yet pretending them to be the goods of jesuits and others, and also in discharging, and wilfully suffering sundry jesuits and other popish priests and dangerous and evil affected persons to escape for bribes and rewards underhand given to them." Rymer, xvii. 213. Also Bacon's works, vi. 210.

‡ See the writs for their execution in Howell, ii. 731. 736, and at the end of Truth brought to Light.

observes Fuller, "may seem well pleased with this seasonable severity: for the fire thus kindled quickly went out for want of fewell." Yet another unitarian was discovered and condemned to expiate his errors at the stake: but James, informed of the murmurs uttered by the spectators at the former executions, prudently saved him from the flames, and immured him in a dungeon for life.* In this conduct he persevered to the end of his reign, and the fire went out, not through want of fuel, but through the policy or the humanity of the sovereign.

From these instances of religious intolerance, we may turn to the civil transactions which filled up the residue of James' reign. While the king was in Scotland, Bacon had taken possession of his office. The vanity of the new lord keeper, the state which he displayed, and the consequence which he assumed, excited ridicule and contempt. But his preferment was an instructive lesson to sir Edward Coke, to whom the favourite had offered his protection, whenever he would consent to marry his daughter (a rich heiress) to Buckingham's brother, sir John Villiers. Coke at first had refused: he now signified his acquiescence through his friend secretary Winwood. The news alarmed the jealousy of Bacon. He wrote to dissuade the king from giving his consent: he secretly encouraged lady Hatton, the wife of Coke, in her opposition, and when the husband, with the aid of twelve armed men, forcibly carried off his daughter from the house of the earl of Argyll, the lord keeper charged him at the council table with a breach of the peace. But the pride of Bacon was soon humbled to the dust. He received from the king a letter of reprimand, from the favourite one of reproach, with a hint that he who had made, could unmake him at his pleasure.† At their return, he solicited, and was refused, access to the royal presence. He waited on Buckingham, was detained several hours in the anti-chamber, and was then dismissed without any apology. He returned the next day; his servility softened the resentment of his patron: and the lord keeper fall-

Bacon in
disgrace.

* Fuller, l. x. p. 62—64.

† See the letters in Bacon's works, vi. 137—173, and Weldon, 127. 132. Buckingham announces his displeasure to Bacon in the following words: "In this business of my brother's, I understand you have carried yourself with much scorn and neglect towards myself and my friends: for which, if it prove true, I blame not you, but myself, who *was* your assured friend. G. Buckingham." Ibid. 165. On their reconciliation the earl assured him, that he was obliged to go on his knees, and conjure the king not to put any public disgrace upon him. 172.

ing at the feet of the young favourite, most piteously implored forgiveness. A reconciliation followed : Coke was again sworn of the privy council : Villiers received the hand of his wealthy but reluctant bride ; and Bacon, as the reward of his repentance, obtained the appointment of lord chancellor, with a pension of £1200 a year, besides the emoluments of the office.*

Power of
Buckingham.

Buckingham now reigned without control. He had rapidly obtained the dignities of baron, earl, viscount, and marquess; had been made privy counsellor and knight of the garter, and had succeeded to the place of master of the horse on the removal of the earl of Worcester, which he afterwards exchanged for that of lord high admiral, on the forced resignation of the earl of Nottingham. Peerages were created, offices distributed, and ecclesiastical preferments conferred at his pleasure : his influence extended into the courts of law, and every department of government : and crowds of applicants for his favour, peers, prelates, and commoners, were all careful to purchase it by large presents of money, or the grant of an annuity on their salaries and emoluments. James appeared to rejoice in the wealth and authority of his favourite; was never happy but in his company; and made him both the depository of his secrets, and the arbiter of his pleasures. Under the auspices of Buckingham the court assumed a gayer appearance than it had worn of late years : balls, and masks, and festivities, hastily followed each other : and with them were intermixed, to gratify the taste of the monarch, the most quaint conceits, low buffoonery, and ridiculous deceptions.† James had already scandalized the puritans by the allowance of certain pastimes on Sundays;‡

* The chancellorship was worth £2790 per annum. Secret History of James, i. 450. note.

† Weldon, 91. Aul. coq. 263. It was probably in allusion to some of these sports, that in the correspondence between James, the queen, and Buckingham, the king was frequently addressed with the title of "your sowship."

‡ Collier, ii. 711. During his return from Scotland he publicly declared his pleasure "that after the end of divine service, the people should not be letted from any lawful recreation on Sundays, such as dancing either of men or women, archery for men, vaulting or any other such lawful recreation, nor from having May-games, Whitsun-ales, and Morris-dances, and the setting up of May-poles, and other sports therewith used, and that women should have leave to carry rushes to the church for the decorating of it, according to their old custom." This permission, however, was not to extend to recusants, nor even to conformists, if they had not on the same day attended divine service. May 20, 1618. Somers' Tracts, ii. 55.

this round of dissipation at Whitehall filled them with pain and horror. They declaimed against the libertinism of the court; exaggerated the dangers to which female virtue was exposed amidst a crowd of licentious gallants; and openly accused the king of knowing and abetting the flagrant immoralities of his favourite.*

Buckingham had soon weeded out the friends and dependents of the fallen Somerset: he now ventured to attack his father-in-law, the earl of Suffolk, lord treasurer, charging him with peculation in the discharge of his high office. James expressed an inclination to spare the earl a trial on his submission, but Suffolk stood on his innocence, and was condemned in the star-chamber to imprisonment in the Tower, and a fine of £30,000. In a short time the fine was moderated, and the prisoner regained his liberty, but with an intimation that the king expected his two sons to resign their places in his household, which he meant to bestow on the dependents of the favourite. But the earl had too much spirit to submit, and he forbade his sons, whatever might be the consequence to himself, to part with their offices unless by absolute force.†

Trial of the
earl of Suffolk.

Another trial, singular in all its circumstances, occupied at the same time the attention of the king. William Cecil, called in right of his mother, lord Roos, had married the daughter of secretary Lake: and the next year quitting the kingdom without leave, sent a challenge from Calais to her brother. It was at first given out that his departure had been caused by a dispute respecting the settlement on his wife; afterwards it was attributed to her detection of an incestuous commerce between him and Frances, the second wife of his grandfather, the earl of Exeter. That lady was indignant at a report so injurious to her honour: she traced it to the lady Lake and her daughter, and immediately appealed for justice to the court of the star-chamber. The defendants produced in their favour a written instrument, purporting to be a confession of guilt in the hand writing of the countess herself; asserted that she had delivered it to them in the presence of lord Roos and his servant Diego, standing at the great window in the long room at Wimbledon; and brought forward Sarah Swarton, a ser-

Of the
Lakes.

1616.
Feb. 12.
1617.
August 2.

* "There is not a lobby or chamber (if it could speak) but would verify this." Peyton, 369, also 354, 355. Wilson, 728.

† See two spirited letters from him to the king and to Buckingham, in Cabala, 362.

vant, who swore that, being concealed behind the hanging at the opposite end, she had seen and heard all that passed. James, who prided himself on his sagacity in the detection of forgery and imposture, determined to unravel this mystery. He privately despatched a messenger to lord Roos in Italy, who with Diego, took his oath on the sacrament that the whole tale was a fabrication.* With this

1618.
June 27. ground for suspicion, the king compared the written document with the letters of the countess, and discovered a discrepancy in the hands: and then riding unexpectedly to Wimbledon, convinced himself that Swarton could not have been concealed behind the hangings, nor have heard what was said at the window.

1619.
Feb. 6. The British Solomon now took his seat among the judges in the star-chamber: five days were occupied with the pleadings; on the sixth day lady Roos acknowledged that the instrument had been forged with the

1619.
Feb. 13. privy of her father and mother; and judgment was pronounced that in consideration of her repentance and confession, she should only suffer confinement during the royal pleasure; that Swarton should be whipped at a cart's tail, and do penance in the church of St. Martin, and that sir Thomas and lady Lake should pay a fine of £10,000 to the king, and damages to the amount of £5000 to the countess; and should also be imprisoned till they had made their submission.† It is probable that the court came to a correct decision with respect to the guilt of the parties: but, whether it did or not, the case taken in all its bearings will leave a very unfavourable notion of the morality of the age: and if we couple it with the scene of iniquity disclosed by the history and trials of the earl and countess of Somerset, will convince us, that at this period the most shameful and degrading vices were not uncommon among persons of the first rank and consideration in the state.‡

* He died very soon afterwards; and, if report deserves credit, of poison.

† Carleton's letters, 169, 170, 192. Aulicus coquin: in the secret history of James, ii. 190—197. Camden, annis, 1617, 1618, 1619. Bacon's works, vi. 233.

‡ The Spanish ambassador interceded in favour of lady Lake. But James replied that she was, he dared to say it, guilty of the seven deadly sins, and that to grant her any indulgence at that time, would be to acknowledge his judgment unjust, and to break his promise to lady Exeter in a matter of justice. Ellis, Original Letters, iii. 120.

About the same time a more interesting, but more distressing scene, was opened to the public by the last adventures and the subsequent fate of the gallant but unprincipled sir Walter Raleigh. After his conviction in 1603, he had remained thirteen years a prisoner in the Tower: but the earl of Northumberland, the Mecænas of the age, had converted that abode of misery into a temple of the muses. Raleigh was gradually inspired by the genius of the place: at first he endeavoured to solace the tedium of confinement by the study of chemistry: thence he proceeded to different branches of literature; and two years before his enlargement published his history of the world. In this celebrated work, the plan, the thoughts, and the diction are his own: the principal portion of the materials had been supplied by his friends. But to him as the author the whole praise was assigned. Men had hitherto considered him as an adventurer and a courtier: they now stood in astonishment at his multifarious acquirements, his deep research, his chronological knowledge, and his extensive acquaintance with the Grecian and rabbinical writers. Admiration of his talents begot pity for his fate: and prince Henry was heard to say, that no man besides his father would keep such a bird in a cage.*

Sir Walter
Raleigh.

For a long time his confinement was attributed to the influence of his political enemy, the earl of Salisbury. But James appeared equally inexorable after the death of that minister: his resolution was proof against the intercession of his son, of his queen, and of his brother-in-law the king of Denmark; it yielded only to the solicitations of his favourite, whose services had been purchased by the prisoner on the condition that he should pay £1500 to sir William St. John, and sir Edward Villiers. Still Raleigh remained under the sentence of death. James gave him liberty, but refused him pardon: and fearful of his talents, mistrustful of his loyalty, he sought to contain him within the bounds of duty, by reminding him that his fate still depended on the mere pleasure of his sovereign.

His discharge from
the Tower.

1616.
March 17.

In 1584, Raleigh had obtained from queen Elizabeth a patent, which seems to have been drawn

His previous
voyage

* His History of the World was published in 1614. It commences with the creation, reviews the three first monarchies, and ends about a century and half before the birth of Christ. Ben Jonson, Harriot, and particularly Dr. Burrell, are mentioned as the chief contributors to this work, by Mr. D'Israeli, in an interesting article on literary unions, in his second series of the *Curiosities of Literature*, ii. 147.

to Guiana. after some of the papal grants of former ages. It
 1584. gave to him, his heirs and assigns, full power to
 March 25. discover and subdue foreign and heathen lands not
 in the possession of any christian prince, nor inhabited by any
 christian people; to hold them of the English crown by the pay-
 ment of one-fifth of all the gold and silver ore that might be ex-
 tracted; to resist and expel by force of arms all persons, who
 should attempt to settle within two hundred leagues of the place
 where he or his dependents might fix their habitation within
 the six following years; and to surprise and capture all ships
 which should attempt to trade in the rivers, or on the coasts
 within the limits aforesaid.* In consequence of this most ample
 grant, Raleigh sent to the shores of North America several
 expeditions, which proved ruinous to the projector, though
 beneficial to the country, inasmuch as they led to the colo-
 nization of Virginia. In 1596 he sailed in per-
 1596. son, but his object was of a different nature, the
 Feb. 6. discovery of the fabulous empire of Guiana, its
 incalculable riches, and its golden city of Manoa, called by
 the Spanish adventurers, El Dorado. At Trinidad he was
 received by the Spaniards, as on his voyage to Virginia,
 and exchanges in the way of trade were amicably made be-
 tween the strangers and the garrison: but Raleigh, watching
 his opportunity, surprised and massacred the guard, reduced
 to ashes the town of St. Joseph, and carried away Berreo, the
 governor, who had previously made an establishment in
 Guiana.†

With this officer for a guide, and without apprehension of
 an enemy to intercept his return, he sailed fearlessly to the
 mouth of the Orinoco, and advanced in boats some hundred
 miles up the river, giving out to the natives that he was their
 friend and protector, who had come in search of the Spaniards,
 the common enemy of both. Four weeks were spent in the
 survey of the country and in communications with the inha-
 bitants, when the waters suddenly rose, the boats could no
 longer stem the rapidity of the current, and the adventurers,
 abandoning themselves to the stream, were carried back

* Hakluyt, iii. 243.

† He shall be heard in vindication of this conduct. "To be revenged of
 the former wrong, (it was said that on some former expedition to Trinidad,
 Berreo had made prisoners of eight Englishmen under a captain Whiddon)
 as also considering that to enter Guiana by boats, to depart four or five hun-
 dred miles from my ships, and to leave a garrison in my back interested in
 the same enterprise, who also expected daily supplies out of Spain, I should
 have savoured very much of the ass: therefore taking a time of most ad-
 vantage, I set upon the corps de garde," &c. That he might not savour of
 the ass, he became a murderer!

through a thousand perils to their vessels. The discoveries which he had made, rather irritated than satisfied the curiosity of Raleigh. He had gained little to indemnify him for the expense of the voyage, but he had seen enough to quicken his hopes, and to stimulate him to further exertions.

The account which he published after his return, proves him to have been a master in the art of puffing.* The riches of the natives, the fertility of the soil, and the salubrity of the climate, were painted in the most seductive colours: numbers offered to share with him the charges of another expedition; and several ships successively sailed to Guiana, and returned to England, but without forming any settlement, or making any additional discovery. These failures Raleigh attributed to the inexperience or misconduct of the leaders: *he* was acquainted with the natives, and the situation of their mines: were *he* permitted to go out, he would make Guiana to England, what Peru had been to Spain. It was a bold and hazardous boast: for his own narrative shows that of the gold mines he knew nothing more than what he conjectured from the appearance of the surface, and what he inferred from the casual assertion of a native, the guide of captain Keymis. But he continued to press the subject on the attention of secretary Winwood, till that minister, dazzled by the prospect, presented his petition to the king, and obtained for him the permission 1616.
Aug. 26. which he sought.

Gondomar, the Spanish ambassador, was supposed to have acquired considerable influence over the royal mind, by the adroitness of his flattery, and the brilliancy of his wit. He was not slow to discover the design of Raleigh; and complained to the king, that he had authorized that, which was in reality a piratical expedition against the Spanish settlements in South America. James sent for the patent, revised and corrected it with his own hand. While he gave to the adventurers the power of trading and defending themselves, he refused that of invading or subduing others.† He even

* The common soldier shall here fight for gold, and pay himself, instead of pence, with plates of half a foot broad, whereas he breaks his bones in other wars for provant and penury. Those commanders and chieftains that shoot at honour and abundance, shall find here more rich and beautiful cities, more temples adorned with golden images, more sepulchres filled with treasure, than either Cortez found in Mexico, or Pizarro in Peru." See "The Discovery of the large, rich, and beautiful empire of Guiana, with Relation of the great and golden city Manao," &c. London, 4. 1596, in Raleigh's works, by Birch, ii. 137.

† Rymer, xvi. 789. Raleigh's works, by Birch, ii. 365.

limited their trade to countries inhabited by savage and infidel nations: not content with this, he expressly forbade Raleigh to offer any offence to the subjects of his allies, particularly to those of the king of Spain; and for greater security required from him a statement in writing of the place where he purposed to trade, and of the force which he intended to take out. Gondomar, by means with which we are unacquainted, obtained a sight of this paper: and a copy of it, with a reinforcement of soldiers, was forwarded to his brother, the governor of St. Thomas.*

His unfortunate attack on the town of St. Thomas.

Nov. 17.

While Raleigh's ship lay in the river, he received some visits from Des Maretz, the French ambassador. They may have originated in curiosity, but they attracted the notice of James, and awakened unfavourable suspicions in his breast. The expedition consisted of fourteen sail; and after a long and tedious voyage of four months, during which the elements seemed to have conspired against the adventurers, it reached the coast of Trinidad. Two ships were missing: a considerable number of men had died of a contagious disease; and more, among whom was the commander-in-chief, were reduced by sickness to the last state of debility. To add to their distress they learned that a Spanish fleet was cruising to intercept them in the neighbouring seas. Under these circumstances it was determined that the fleet should remain at anchor, while two hundred and fifty men in boats, under the guidance of Keymis, and the command of Raleigh's nephew, should proceed up the river, and take possession of the supposed mine. They landed near the settlement of St. Thomas, the governor was killed, and the town was occupied by the conquerors. But to cross a branch of the river, and to advance to the mountains in the face of the enemy, was an enterprise of great difficulty and danger: and after a short consultation, the adventurers set fire to the town, and repairing to their boats, hastened to rejoin their countrymen at Trinidad.

1618.

Jan. 2.

* James has been severely censured for allowing Gondomar to see this paper. The ambassador may have procured it from others: but if it were from James, the king may still be without blame. It is manifest from the very words of Raleigh that throughout the negociation he deceived his sovereign. "I acquainted his majesty with my intention to land in Guiana, yet I never made it known to his majesty that the Spaniards had any footing there. Neither had I any authority from my patent to remove them from thence. Therefore his majesty had no interests in the attempt of St. Thomas by any foreknowledge in his majesty." Address to lord Carew. See Cayley's correct copy, ii. 138.

Their return plunged the unfortunate Raleigh into the deepest distress. His son had fallen in the attack of the town: the mine, on the existence of which he had staked his head, had not been even discovered; and the plunder of the settlement was too inconsiderable to atone for his disobedience to the royal command. In the anguish of his heart, he poured out a torrent of invective against Keymis, who having endeavoured in vain to pacify his commander, retired to his cabin and put an end to his life. Raleigh's only remaining hope was to redeem his character by some desperate enterprise, and to return to England with sufficient spoil to purchase his pardon. But with the loss of his good fortune he had forfeited the confidence of his followers; ship after ship abandoned his flag: the men under his immediate command mutinied and split into parties; and, after an unsuccessful attempt to slink away on the coast of Ireland, he returned to the harbour of Plymouth, whether by choice or compulsion is uncertain.*

His return
to England.

June.

Here misfortune seemed to have subdued his courage, and perplexed his understanding. He hesitated between the different expedients which suggested themselves to his mind, till he precipitated himself into the snare that had been prepared by his enemies. He was certain of an asylum in France, and a bark lay ready to convey him across the channel. He proceeded towards it, turned back, fixed another evening for the attempt, and then refused to keep his appointment. In a short time he was arrested by his kinsman Stukeley, vice admiral of Devon, who had received orders to conduct him to London.

His apprehension.

July 27.

The horrors of the Tower immediately rushed on his imagination: from Manourie, a French empiric, his warder, he purchased drugs that provoked the most violent retchings, and a caustic ointment which produced blisters on his forehead, nose, breast, arms and legs; he was found in his shirt on all fours on the ground, gnawing the rushes, and personating madness; and three physicians, whom Stukeley consulted, agreed in pronouncing him in great, though not immediate danger. He was then in the neighbourhood of Salisbury, James lay in that city, and unwilling to introduce a prisoner under an infectious disease into the Tower, the king assented to the petition of his friends that he might be confined for a short time to his

August 1.

* See his letter to Winwood, his apology to the king, and "the declaration of the demeanor and carriage of sir Walter Raleigh," &c. in the second volume of Cayley, 106. 115. App. 82.

own house. This was his real object. Captain King was instantly despatched to provide a ship for his escape: but Manourie, to whom he had confided the secret, betrayed it to Stukeley, and Raleigh, observing that he was more closely watched, purchased the promise of connivance from his kinsman with the present of a valuable jewel, and a bond for the payment of £1000. But Stukeley was a traitor, acting under instructions to procure, by every device in his power, evidence of Raleigh's connexion with France, and daily advertising the council of every transaction regarding his prisoner. At Brentford, Raleigh received a visit from Le Chesnay, secretary of Le Clerc, the French resident: in London he had a private interview with that minister himself, who offered him the use of a French bark in the river, with a letter addressed to the governor of Calais. He preferred, however, the ship provided for him by captain King, and at the appointed time, disguising himself, and being accompanied by King, Stukeley, and Stukeley's son, took a boat to sail down the river to Gravesend. A wherry which appeared to follow them, excited his apprehensions: the tide failing they were compelled to land at Greenwich; and Stukeley, as soon as he was joined by the men from the wherry, arrested King, and August 9. conducted Raleigh to a neighbouring tavern. The next day the fugitive was committed to the Tower: Le Clerc was forbidden the court, and soon afterwards sent out of the kingdom.*

On the first receipt of the intelligence from His confinement. America, Gondomar repaired to James, exclaiming, "Piratas, piratas, piratas." His sense of the insult offered to his sovereign was quickened by resentment for the blood of his brother: nor did he cease to demand satisfaction till he was recalled to Spain, with an intimation that this was the last appeal which his master would make to the justice of the king of Great Britain.† But the anger of James required no incitement from others. He looked on the conduct of Raleigh as a personal injury, and resolved to punish the man who had invaded the territory of a friendly sovereign in defiance of his prohibition, and with the knowledge that the king's word had been pledged for August 12. his peaceable behaviour. The answers of the prisoner to the interrogatories administered to him in the Tower were unsatisfactory: the judges declared that while he lay under sentence of death, he was dead in law, and could not

* Cayley, ii. App. 94—104. Somers' Tracts, ii. 431—436.

† Bacon's Works, vi. 205.

be brought to trial for any subsequent offence; and information was conveyed to him, that in punishment of his conduct in sacking and burning the town of St. Thomas, the judgment passed on him in the first year of the king, would be carried into execution. Four days later he was placed at the bar of the king's bench: he pleaded that his commission, by giving him power of life and death over others, was equivalent to a pardon: but the chief justice interrupted him, saying, that in cases of treason pardon could not be implied, but must be expressed; and, after a suitable exhortation, conceived in terms of respect unusual on such occasions, ended with these words, "execution is granted."* Raleigh, from the moment he despaired of saving his life, had displayed a fortitude worthy of his character. "He was," says the divine who attended him, "the most fearless of death that was ever known, and the most resolute and confident; yet with reverence and conscience. When I began to encourage him against the fear of death, he made so slight of it that I wondered at him. When I told him that the dear servants of God, in better causes than his, had shrunk back and trembled a little, he denied not, but gave God thanks he never feared death, and much less then. For it was but an opinion and imagination: and the manner of death, though to others it might seem grievous, yet he had rather die so than of a burning fever."†

His cheerfulness on the scaffold proved that these were not idle vaunts. Holding his notes in his hand he enumerated and refuted several charges, which had been made against him; that he had received a commission from the king of France, had spoken disrespectfully of his own sovereign, had accused the lords Doncaster and Carew of advising him to escape, and had, formerly, at the execution of Essex, openly rejoiced at the fall of his enemy. But his speech disappointed the curiosity of his hearers. He made no allusion to the treason for which he had been originally condemned, nor sought to justify the conduct which had brought him to the scaffold.‡ Having taken his leave of the lords who were present, he asked for the axe, and feeling the edge, observed with a smile that it was a sharp medicine, but a physician for all diseases. He then laid his head on the block, and gave the signal: but the slowness of the executioner provoked him to exclaim, "Why dost thou

His death.
Oct. 29.

* Howell's State Trials, ii. 33.

† Hearne's Hemingford, i. App. clxxxv.

‡ His speech in Caley, ii. 168. Somers' Tracts, ii. 438. Tounson's letter in Hemingford.

not strike! Strike, man!" At the second blow his head was severed from his body.

The fate of Raleigh excited much commiseration. There was a general belief that he had been unjustly condemned in the first instance, and the national antipathy to Spain made light of his more recent offence. The king was accused of having sacrificed to the interested representations of Gondomar, one of the most gallant officers, and most enlightened men among his subjects. Yet if we impartially consider the circumstances under which the expedition originated, and the illegal manner in which it had been conducted, we must confess that the provocation was great, and the punishment not undeserved. Raleigh indeed alleged, that the Spanish town was built on the king's own land, of which he had taken possession for the English crown in 1591. But this plea could not be maintained. If discovery gave right, the Spaniards were the first discoverers; if possession, they had been in possession upwards of twenty years.

Among those who took an interest in the fate of Raleigh, was the queen. Her passion for public amusements had long ago ceased: the latter part of her life was passed in privacy at Greenwich and Hampton court. Of her history after the death of her eldest son, we know little more than that she recommended Villiers to the king, and afterwards requested him in return to intercede for the life of Raleigh. She was even then suffering under a dropsical complaint, which in a few months consigned her to the grave. By the vulgar her death was supposed to have been announced by the appearance of a comet in the preceding autumn: while the more learned, with equal credulity, considered that phenomenon as the harbinger of the events, to which I must now call the attention of the reader.*

* Cayley, ii. 156. Wilson, 719. Dalrymple, i. 78. Balfour, ii. 72. Perhaps I ought here to mention the arrival in England of that distinguished convert Marco Antonio de Dominis. Educated by the Jesuits, and employed by them as public professor at Verona and Padua, he was quickly preferred to the bishopric of Segna, and thence translated to the archbishopric of Spalatro. During the contest between the pope and the republic of Venice, he took part with the latter. The displeasure of Paul V. and the danger of a prosecution for heresy, induced him "to take the wings of a dove," and seek an asylum in England, in 1617. (His declaration, Somers' Tracts, ii. 19.) He was graciously received, conformed to the established church, and was made dean of Windsor, and master of the Savoy. After a few years he solicited pardon from the pope, returned to Italy, and publicly abjured the protestant creed in 1622. The next year he died;

During sixteen years James had wielded the sceptre in peace: before the close of his reign he was reluctantly dragged into a war by the ambition of his son-in-law, and the enthusiasm of his people. The cause originated in a distant clime, in a quarrel respecting the site of churches amid the mountains of Bohemia; but that quarrel was connected with religion; and in an age mad with religious fanaticism, the most trifling provocation was sufficient to array one half of Europe in battle against the other. The fifth article of the edict of peace, published by the emperor Rudolph, had established freedom of religion in Bohemia: by an agreement between the communicants under one kind, and the communicants under both kinds, (so they were distinguished) it was stipulated that the latter should have liberty to erect churches on the royal demesnes; and some years later certain calvinists, pretending that the church lands came under this denomination, began to build on the property of the archbishop of Prague, and on that of the abbot of Brunaw. The two prelates appealed to the emperor Matthias, who decided in their favour: but the chiefs of the calvinists were dissatisfied: in defiance of the imperial prohibition they assembled in the Carolin college, spent the next day in fasting and prayer, and on the third entered the castle of Prague in arms, threw the leading members of the council of state out of the windows, and took forcible possession of the capital. At the same moment, as if by a simultaneous movement, their partisans rose in different districts: two armies were formed; and most of the strong holds fell into their hands. This movement was confined to the calvinists: both catholics and lutherans, though they did not offer any opposition, remained loyal to their sovereign.*

Insurrec-
tion in
Bohemia.

1618.
May 12.

It was in vain that Matthias, an aged and infirm prince, sought to suppress the insurrection by the offer of an amnesty on certain conditions; that he proposed to refer every subject in dispute to the judgment of four arbitrators, the two catholic electors of Mentz and Bavaria, and the two protestant electors of Saxony and the Palatinate; and that he finally soli-

The Pala-
tine elected
king.

but his language had given occasion to doubt his orthodoxy: judgment was pronounced against him by the inquisition; and the dead body was burnt in the piazzas di campo di Fiori. See Somers' Tracts, ii. 30. Dalrymple, i. 140—148.

* Belli Laurea Austriaca, 36, 37. Lotichius, 12—15. Cluveri epitome, 652.

1619. cited an armistice preparatory to a general pacification. Matthias died, and was succeeded by his
 March 1. cousin, Ferdinand of Gratz, who about two years
 1617. before had been, with the unanimous consent
 June 29. of the states, crowned king of Bohemia. Ferdinand notified his accession to the insurgents with a ratification of their privileges, and a declaration of liberty of conscience. But they treated the message with scorn, and offered the Bohemian crown, first to John George, elector of Saxony, and then to Frederic, the elector Palatine. The first had the prudence to decline the dangerous present: the second, covering his ambition with the mask of hypocrisy, declared that he saw the finger of God in his election, and dared not oppose the will of the Almighty. He hastened with his family to Prague, and was solemnly crowned by the insurgents king of Bohemia.*

1619. It is difficult to describe the delirium of joy
 Sept. 12. which the intelligence excited in England. Archbishop Abbot pointed out the very text of the
 Nov. 4. apocalypse, in which this important revolution had been foretold: the preachers from the pulpit (an engine of no less political influence in those days, than the press is found to be in the present,) inflamed the passions of their hearers; and the whole nation called on the king to support the interests of his son-in-law, which were, in their opinion, the interests of God. In this general ferment, James was cool and collected. He saw that to engage in the war was to espouse a cause evidently unjust; to sanction the principle that subjects might lawfully depose their sovereign for difference of religion; and to plunge himself into an abyss of expense, without any human probability of success. For it was idle to expect that the Palatine with the aid which he might receive from England, could permanently make head against the power of Ferdinand, assisted, as he would be, by the princes of his family, and the catholic and lutheran feudatories of the empire. But, on the other hand, it was asked, could he in decency abandon his son-in-law, and sit a silent spectator of the war, which would probably strip him of his hereditary dominions? or was it even safe for himself to resist the clamour of his subjects, and by his apparent apathy, teach them to doubt his sincerity in religion? He chose, according to his favourite maxim, a middle course: he refused every application in favour of Frederick's pretensions to the

Embarrassment of James.

* Belli Laurea, 199—211. Lotichius, 72. 82—88. 93.

crown of Bohemia, but granted the aid of an army for the protection of his patrimonial possessions. Four thousand men were despatched as volunteers, under the command of the earls of Essex and Oxford: but this body, even when it had joined the army "of the protestant union," the German allies of the Palatine, was no match for the more numerous force of the imperialists, led by the celebrated Spinola. By the commencement of autumn the lower Palatinate was lost: about the same time Lusatia submitted to the elector of Saxony, who had been charged with the execution of the ban of the empire against the ambitious but unfortunate Frederic; and the victory of Prague, won by the duke of Bavaria, against the prince of Anhalt, drove the ephemeral king from his newly acquired throne. The Bohemian states solicited and obtained the pardon of their sovereign; and Frederic wandered with his family through the north of Germany, an exile and a suppliant, till he reached the Hague, where he obtained a pension from the pity or the policy of the states.*

1620.
July 22.

Nov. 4.

A voluntary subscription, and a loan at a high rate of interest, had enabled the king to fit out the expedition to the Palatinate; but the late disaster of his son-in-law called for more powerful aid, and the zeal of the people clamorously demanded a crusade for the support of the protestant interest. The ministers advised him to avail himself of their enthusiasm. Let him convoke a parliament. That assembly could not refuse him those supplies, without which it was impossible to negotiate with dignity, or to wield the sword with success. Under this impression, James gave his consent, but with reluctance and misgiving. He knew the reforming temper, the daring spirit of the popular leaders. The time no longer existed when the threat of the royal displeasure used to appal the stoutest hearts; nor did the crown possess that extensive patronage which has since enabled it to secure a majority in both houses. Many consultations were held: and it was determined, as the most eligible expedient, to soothe the country party by concession; and to bribe them to supply the wants of the exchequer, by the spontaneous offer of those benefits, for which former parliaments had petitioned in vain.†

A parliament.

Its proceedings.
1621.
Jan. 30.

The session was opened with a conciliatory, or rather a supplicatory speech, from the throne. But James exhorted and supplicated in vain. The first care of the commons was to gratify the call

* Lotichius, 209—211. Cluveri epitome, 655, 656. † Bacon, v. 531, 532, Vol. IX.

of religious animosity, to make the catholics at home suffer for the success which had attended the arms of the catholics abroad. With the concurrence of the lords, they petitioned the king to banish all recusants to the distance of ten miles from London, to restrain them from attending at mass in their own houses, or in the private chapels of ambassadors, and to carry all the penal laws which had been enacted against them, into execution. In addition, that they might perform their own part, they prepared a bill in aid of the former statute, which gave to the crown two-thirds of the property of popish recusants.

From religion they turned to the consideration of their privileges. Four members, they complained, had been imprisoned at the close of the last parliament for their conduct in that house. Precedents might, indeed, be alleged in vindication of the king: but all such precedents were the illegal acts of arbitrary power: to the house itself belonged the right of judging and of punishing every breach of decorum committed within its walls; were that right to reside elsewhere, freedom of speech would be a dream or a fiction. The subject was pursued with a warmth that alarmed the ministers: they contended, that the apprehensions of the house were unfounded; and the ferment was at length allayed by a solemn assurance from James that, as he had already granted, so it was his intention to maintain, that liberty of speech which was demanded by his faithful commons.*

Hitherto the question of supply had been held in suspense; on the receipt of this message, they voted two subsidies, but without tenths and fifteenths. It was a trifling sum, confessedly inadequate to the object for which it was given; but they deemed it politic to keep the king dependent on their bounty, that he might more readily submit to their demands. James himself concealed his feelings. Affecting to look on the vote as a pledge of reviving confidence, he returned them thanks in the most grateful terms, exhorted them to apply to the redress of the

* Journals, 522. The next day to prove their power of punishing their own members, they expelled Shepherd from the house because in a speech against the bill for restraining abuses of the Sabbath day, he had contended that the Sabbath was the Saturday, not the Sunday; that the bill was contrary to scripture, which recommended dancing as a part of the divine worship; and that the mover of the bill, by opposing the king's ordinances on the subject, was a perturber of the peace. Ibid. 523—525.

national grievances, and assured them that they would always find him ready "to do more than meet them half way."*

It was not long before his sincerity was put to the test. A committee of inquiry had already been established; witnesses were now summoned and examined; and the conduct of the officers of the crown, of the judges and of their dependents, was subjected to the most minute and jealous investigation. All the popular members entered into the inquiry with warmth; but no one took a more decided part than sir Edward Coke, whose long experience and great legal knowledge gave weight to his authority; though it was whispered by his enemies that his zeal for the public good was sharpened by the recollection of the treatment which he had received from the court. But whatever were the motives of the reformers, it must be confessed that their exertions were useful. They contributed to eradicate abuses which had long crippled the freedom of trade, and polluted the administration of justice; and they revived in the commons the exercise of an invaluable privilege, which had lain dormant for centuries, that of impeaching public offenders before the house of lords, as the highest tribunal in the kingdom.

The first abuse to which the commons turned their attention, was that of monopolies granted by patent. Many, indeed, had been abated at the remonstrances of preceding parliaments: but so ingenious was the avarice of the projectors, so powerful the influence of their patrons, that in the place of one which was eradicated, several sprung up, equally useless to the prince, and equally injurious to the subject. Patents, which secure to the authors of improvements the profits of their own ingenuity, act as a stimulus to industry and talent; but these patents had for their object the private emolument of certain favoured individuals, to whom they gave, under the pretence of public utility, the control of some particular branch of trade, with authority to frame regulations, and to enforce obedience by fines and imprisonment.

Impeachment of patentees.

The committee began with three patents, the one for the licensing of ale-houses, another for the inspection of inns and hostelries, and a third for the exclusive manufacture of gold and silver thread: and the investigation disclosed a scene of fraud and oppression, which is seldom to be found under the most despotic governments.† All three were pronounced national grievances: and the

Feb. 27.

* Ibid. 523.

† See journals, 530. 538. 540. 541. 617.

March 3. patentees, sir Giles Monpesson and sir Francis Mitchell, were impeached for their conduct at the bar of the house of lords. They fled for shelter to the protection of the favourite: he had received their money for his services in procuring the patents; and his half-brother, sir Edward Villiers, had been a partner in the profits. To save them, it was at first determined to dissolve the parliament; but the imprudence of such a measure was demonstrated in a written memorial by Williams, dean of Westminster, whose ambition sought to earn, by this appearance of zeal, the good will both of the monarch and his favourite. Under the guidance of his new adviser, Buckingham abandoned his friends to their fate; and affecting the stoicism of a patriot, expressed a hope that, if his brother had shared in their guilt, he might also share in their punishment. But Villiers was already beyond the sea in the employment of government, and could not reasonably be condemned without the opportunity of making his defence. Even Monpesson, probably through the influence of his patron, found the means to escape from the custody of the serjeant at arms. The lords, however, passed judgment both on the fugitive and on Mitchell, his colleague, that they should suffer imprisonment, pay fines, and be degraded from the honour of knighthood. The

March 27. king now came forward to complain of the deceit which had been practised on his credulity; and, as a proof of his indignation against the men whom he had secretly laboured to save, commuted, by his own authority, the punishment of Monpesson into perpetual banishment.*

Of the Lord
Chancellor. But the patentees were comparatively ignoble game: the lord chancellor, sir Francis Bacon, offered a higher and more reputable quarry. Nature had designed him to rule a master spirit in the world of letters; but ambition led him to crouch at court in search of wealth and preferment. Neither did he fail in his object: industry and perseverance enabled him to overcome the jealousy of Elizabeth, the favouritism of James, and the intrigues of his competitors. He was not only in possession of the great seal; he had been created lord Verulam, and had recently obtained, as a new proof of the royal favour, the title of viscount St. Albans. But if he found the ascent to greatness slow and toilsome, his fall was sudden and instantaneous. He had not borne his honours with meekness. Vanity led him into great and useless expenses: his extravagance was supported by rapacity; and the suitors in his court, even the

* Hacket's Life of Williams, 49. 50. Journals of Lords, 72, 73.

successful suitors, complained that they were impoverished by the venality of the judge. His enemies echoed and exaggerated the charge; and report made the presents which he had received during the three years of his chancellorship amount to the value of £100,000.* James, who, while he admired the minister, felt no esteem for the man, indirectly hastened his fall by assuring the lords that, while he hoped that the chancellor might be able to prove his innocence, he was determined to inflict on him the severest punishment, should it be shown that he was guilty.†

March 19.

It was not pretended that Bacon had been the first of these high officers to accept presents from the suitors in his court. The abuse was of long standing; it had been known and sanctioned by the last sovereign. But it was truly observed, that no succession of precedents could justify a practice illegal in itself, and destructive of impartiality, one of the first qualifications in a judge.

His judgment.

The commons presented their bill of impeachment, charging the viscount St. Albans with bribery and corruption in two and twenty instances himself, and with allowing acts of bribery and corruption in his officers. This stroke unnerved him; he shrunk from the eyes of his accusers; and, under the pretence of sickness, retired to his bed, whence he wrote to the house a letter acknowledging the enormity of his offences, and soliciting mercy for the repenting sinner. The lords required a distinct answer to every separate charge. He obeyed, confessing that each was substantially true, but alleging in extenuation, that few of the presents were received before the decision of the cause, and that the larger sums were taken as loans of money to be afterwards repaid. He was spared the mortification of kneeling as a criminal at the bar of that house, where he had so long presided as chancellor: but the judgment pronounced against him was sufficiently severe to deter his successors from a repetition of the offence.

March 21.

April 24.

It bore that he should pay to the king a fine of £40,000, should be imprisoned during the royal pleasure, and should be incapacitated for life from

April 30.

1621.

May 3.

* He thus notices the report in a letter to Buckingham. "It is an abominable falsehood. I never took penny for any benefice or ecclesiastical living: I never took penny for releasing any thing I stopped at the seal; I never took penny for any commissions or things of that nature: I never shared with any servant for any second or inferior profit. My offences I have myself recorded, wherein I studied as a good confessant guiltiness and not excuse." Bacon, vi. 391.

† Journals, 563.

coming within the verge of the court, from sitting in parliament, and from serving his country in any office of dignity or emolument.*

I may be allowed to pursue through a few lines the history of this extraordinary man. Of his guilt there was no doubt: but, had he submitted with patience to his fate, had he devoted to literary pursuits those intellectual powers which made him the prodigy of the age, he might have redeemed his character, and have conferred immortal benefits on mankind. He revised, indeed, his former works, he procured them to be translated into the Latin language, and he wrote a life of Henry VII.: but these were unwelcome tasks, suggested to him from authority, and performed with reluctance. He still looked back to the flesh pots of Egypt, the favours of the court: and in addition to the restoration to liberty, and the remission of his fine, boons which were granted, he solicited with unceasing importunity both a pension and employment. With this view he continued to harass the king, the prince, and the favourite with letters: he pleaded his former services, he sought to move pity by prayers the most abject, and to win favours by flattery the most blasphemous. But his petitions were received with coldness, and treated with contempt: the repeated failure of his hopes soured his temper and impaired

* 1626.

May 9.

his health; and he died, the victim of mistaken and disappointed ambition, in the fifth year after his disgrace.†

Other im-
peach-
ments.

Four other impeachments were carried before the lords during the session. Sir John Bennet, judge of the prerogative court of Canterbury, was charged with having granted for money the administration of wills contrary to law; Field, bishop of Landaff, with brocage of bribery; sir Henry Yelverton, attorney general, with having aided the patentees Monpesson and

* Lords' Journals, 53. 75. 84. 98. 106.

† This meanness of Bacon, so unworthy of his talents and acquirements, appears from the whole tenor of his letters written between his disgrace and his death. Bacon, vi. 280—394. On one occasion he entertained a design of maintaining that the judgment against him was not valid: 1. because it passed in a session, in which the royal assent was not given to any bill except that of the subsidy; whence he inferred that all the proceedings were only "inchoate and not complete." 2. Because it had not been entered on record, and was only to be found in the journals written by the clerk. He consulted the learned Selden, who replied that he thought with him on the second point, but differed from him on the first, vi. 308—310. He is said to have died poor. The numerous and valuable legacies in his will, dated only a few weeks before his death, would prove the contrary, were it not that his executors refused to act, which may induce a suspicion that he left not wherewith to pay them. Ibid. 411—419.

Mitchell in their illegal proceedings;* and Floyd, a catholic barrister and prisoner in the Fleet, with having expressed his satisfaction "that goodman Palsgrave and goodwife Palsgrave" (the palatine and his consort,) had been driven from the city of Prague. The three first cases may be dismissed as of minor importance: but the last demands the attention of the reader, as it served to discriminate the respective duties of the two houses to confirm to the lords their judicial rights, and to confine the commons to the mere power of impeachment. Floyd's offence was not one of the first magnitude, but it awakened the spirit of religious vengeance. As soon as it was mentioned the commons resolved to punish the papist, who had sacrilegiously presumed to rejoice at the disasters of protestant princes: ~~the~~ pillory, whipping, nailing of his ears, and boring of his tongue, were moved by different speakers: and he was at last condemned by the house to pay a fine of £1000, to stand in the pillory in three different places two hours each time, and to be carried from place to place on horseback, with his face to the horse's tail.† Floyd immediately appealed to the king, who the next morning sent to enquire on what precedents the commons grounded their claim to judge offences which did not concern their privileges; and by what reasoning it could be shown that a court, which did not receive evidence on oath, might justly condemn a prisoner who denied the offence with which he was charged. The message disconcerted the popu-

May 1.

* 1. Bennet eluded his accusers by demanding time to prepare his defence. Before it expired, the parliament was prorogued, and in next session both the charge and the punishment were forgotten. Soon afterwards Bennet was fined 20,000*l.* in the star chamber, but obtained a pardon from the king. Bacon, vi. 383. 2. Field had bound a suitor in chancery, under the penalty of 10,000*l.* to place 6,000*l.* at his disposal, provided a favourable decree should be obtained from the lord chancellor, through the influence of his patron the marquis of Buckingham. But the anger of the house was disarmed by the entreaties of the archbishop; and, as it could not be proved that he was to receive a share of the money, the prelate was left to the censure of his ecclesiastical superior in the upper house of convocation. 3. Yelverton defended himself with spirit: and hinted that he should not have been a prisoner, had it not been for the enmity of Buckingham, and his influence with the king. James instantly demanded justice for this double slander: the original charge against the attorney was forgotten, and for his recent offence he was condemned to pay a fine to the king, another to the favourite, and to be imprisoned at the royal pleasure. The fines were remitted.

† Journals of commons, 599. 602. There was often something ridiculous in the punishments inflicted by the house of commons. Thus they adjudged Moore and Lock, two officers, to "ride upon one horse bare-backed, back to back, from Westminster to the exchange, with papers on their breasts with this inscription: For arresting a servant to a member of the commons house of parliament." Ibid. 638.

lar leaders: to proceed was to encounter the opposition of the king and of the lords; and to retrace their steps was to confess that they exceeded their powers. Several days

May 12. passed away in unavailing debate: and at last, in a conference of the two houses, it was agreed that the accused should be arraigned before the lords; and that a declaration should be entered on the Journals, that his trial before the commons should not prejudice the just rights of either house.*

May 25. But, if their defeat was evident, their vengeful feelings were abundantly gratified. The lords added to the severity of the first judgment: and besides the pillory, a fine of five thousand pounds, and imprisonment for life, they degraded Floyd from the estate of a gentleman, declared him infamous, and condemned him to be whipped at the cart's tail from the Fleet prison to Westminster hall. A punishment so enormously disproportionate to the offence, if it were any offence at all, did not pass without animadversion: the next morning, on the motion of the prince, it was agreed that the whipping should not be inflicted, and as an atonement for the precipitancy of the house, an order was made that in future judgment should not be pronounced on the same day on which it was voted.†

By this time the patience of James was exhausted. The parliament had continued four months: but what with impeachments and inquiries into grievances, and the preparation of bills of grace and reform, no further notice had been taken of the royal wants, no attention had been given to the king's request of a second and more liberal supply. It was thought that the country party looked on the sovereign as reduced by his distress for

money to a dependence on their pleasure: to their astonishment and dismay a message announced his intention to adjourn the parliament at the conclusion of the week. Several violent and querulous debates ensued: the commons resolved to petition for a longer time:

June 2. and then, when a fortnight was offered, with the petulance of children, (to use the king's expression,) they

* The commons maintained that their house was a court of record, could administer an oath, and consequently give judgment: the lords would not enter into these questions, but denied that the case of Floyd was within their cognizance. By the lords it was understood that at last the judgment of Floyd was referred to them: but this the commons would not admit; they had judged Floyd: they hoped the lords would judge him also. Journals, 610. 619. 624.

† Lords' Journals, 148.

refused the favour. On the appointed day the parliament was adjourned to November by commission : and immediately each house adjourned itself.* June 4.

In this session, or convention, as the king affected to call it, much had been done which might claim the gratitude of the nation. The prosecutions for bribery alone conferred on the people an invaluable benefit, by introducing into the ecclesiastical courts, and the courts of equity, that pure administration of justice, which was acknowledged to prevail in the courts of common law. Yet the members of the lower house were ashamed to return to their constituents. They seemed to have forgotten the great object for which they had been sent to parliament, and which interested so warmly the religious feelings of the people. That they might, however, seem to do something, a few minutes before the adjournment, a member proposed a declaration that, unless the troubles in Germany were satisfactorily arranged by treaty during the recess, they would, on their return to the house; be ready to sacrifice their fortunes and their lives for the restoration of the prince Palatine, and the support of the true religion. It was voted by acclamation : and to confirm it with the solemnity of religious worship, sir Edward Coke, falling on his knees, recited with much emphasis and feeling the collect for the king and royal family from the book of common prayer.†

The king's first solicitude after the adjournment was to appoint a successor to Bacon. There were three candidates ; Ley and Hobart, the two chief justices, and sir Lionel Cranfield, a merchant from the city, who by marrying a relation, had purchased the favour of Buckingham. Williams, if we may believe his biographer, secretly aspired to the place, but openly supported the pretensions of Cranfield, under the expectation that the incompetency of the latter might induce the king and the favourite to turn their thoughts on himself. This policy succeeded : when the seal was offered him he pretended surprise, modestly objected his inexperience in matters of law, and acquiesced, with apparent reluctance, on condition that two judges should sit with him as assistants, and that he

Williams
lord
keeper.

* It was held, as appears from the journals, that there was this difference between adjournment and prorogation : that to adjourn was only to suspend, to prorogue was to terminate the session: in the one case the business before the committees, and the bills in progress or awaiting the royal assent, remained in statu quo; in the other every thing was quashed, and all past proceedings rendered of no effect. The king, therefore, preferred an adjournment, that the parliament at the next meeting might take up the business in the state in which it had been left at this.

† Journals, 639. Cob. Parl. Hist. i. 1294.

should not be considered as in actual possession, but only upon trial for eighteen months. James first named him to the vacant bishopric of Lincoln, and then gave to him

July 10. the custody of the great seal, with the title of lord keeper. It was long since a churchman had presided in the chancery; the lawyers looked on his elevation with displeasure, and treated him with contempt. But their reluctance yielded to considerations of interest; and in a short time they submitted to plead before him after the usual manner.*

Homicide
by arch-
bishop Ab-
bot.

Williams had scarcely accepted his office when an occurrence took place which threw the whole church into confusion, and even perplexed the theological abilities of the king. Archbishop Abbot had joined the lord Zouch on a hunting party at Bramzhill park in Hampshire. One morning having singled out a buck, and warned the company to be on their guard, he took his aim, and through mistake or want of skill, shot the keeper of the park, who was accidentally passing on horseback. The coroner's inquest returned a verdict of unintentional homicide: but it was still contended that by the canon law the archbishop had become irregular, and consequently incapable of holding any ecclesiastical preferment, or of exercising any ecclesiastical function. The solution of this question depended on another: whether the amusement which led to the accident, were allowable in a person of his rank and character. By his friends it was alleged that the canons permitted clergymen to hunt, provided it were done with moderation, and for the sake of health, and that the laws of the land ratified the custom by giving to bishops parks and free warrens. His opponents replied, that the same canons expressly prohibited all hunting in which deadly weapons were employed: and that if the law secured to the prelates the right of the chase, it was as an appendage to their secular baronies, and to be exercised, like all other secular rights, not by themselves in person, but by their lay servants and deputies.†

He is ab-
solved from
irregularity.

It chanced at this very time there were four bishops elect, all of whom refused to receive consecration from the hands of the metropolitan, as long as this question remained undetermined. They founded their objection on scruples of conscience:

* Such is the account given by Hacket, his biographer, but Williams himself asserts that he had no expectation of the office, when it was conferred upon him. Rymer, xvii. 297.

† See the apology for Abbot and the answer in Howell's State Trials, 11.

though it was maliciously whispered that two at least of the number, Williams, lord keeper, and Laud, bishop of St. Davids, cherished a stronger motive, the hope of succeeding Abbot in the archiepiscopal dignity, if he were pronounced incapable of executing its duties.* James appointed a commission of prelates and canonists: but they could not agree in opinion, and proposed that Abbot should be absolved from all irregularity ad majorem cautelam. But where was the ecclesiastical superior to absolve the metropolitan? In this unprecedented case it was answered that the king, as head of the church, possessed that plenitude of power, which in catholic countries was held to reside in the pope. Nov. 22.

James, therefore, having first granted him a pardon in law, issued his commands to eight bishops, who assuming for the ground of their proceedings, that the "hunting aforesaid was decent, modest, and peaceable, and that every possible precaution had been employed to prevent accident," absolved the metropolitan from all those censures which he might have incurred, Nov. 22. and for greater security restored to him the offices and rights which he before held.† Abbot had never been a favourite. He now appeared before the king marked with the stigma of homicide; his facility in licensing books which bore hard on the ceremonies and discipline of the church, gave continual offence; and towards the end of his life he never appeared at court, except on occasions of parade and ceremony.

But the chief anxiety of the king was to prepare for the approaching session of parliament. That he might silence the complaints of the popular leaders, and prevent their intended attacks upon his prerogative, he adopted the advice of Williams, abolished by proclamation six and thirty of the most obnoxious patents, appointed commissioners to inquire into the causes which led to the disappearance of the gold coin, and framed regulations for the increase of trade in the principal outports. On the continent his ambassadors were

Treaties in
favour of
the Pala-
tine.

* I give little credit to the story told by Hacket (i. 63) of the unwillingness of James to give a bishopric to Laud. He had long been the king's chaplain, he was also confessor to Buckingham; he had been chosen to accompany them both into Scotland, and only three weeks before his appointment, James had condemned himself of neglect, and had promised him preferment. Laud's Diary, p. 4. By the statutes of St. John's college, of which he was president, he could no longer hold that office. James absolved him from the oath by which he was bound to observe the statutes; (Rymer, xvii. 328.) but Laud scrupled to avail himself of the absolution, and resigned. Diary, p. 4.

† Ibid. and Wilk. Con. ii. 462. Rymer, xvii. 377—340.

seen posting to almost every court of Europe; where they employed arguments, bribes, and supplications in favour of the Palatine. But all the efforts of the king were frustrated by the stubbornness of that prince, the uncontrollable temper of his chief partisan count Mansfield, and the ambition of the duke of Bavaria, who sought to annex the palatinate to his own dominions. James could, however, boast that, if Heidelberg, Manheim, Frankendale, and Worms still acknowledged the sway of their native sovereign, it was owing to his exertions in maintaining within their walls 5000 men under sir Horace Vere, and in having prevented the detection of Mansfield's 16,000 mercenaries by a seasonable present of 40,000*l*. Under these circumstances he indulged a hope that his concessions would mollify the obstinacy of the commons, and that his remittances to the palatinate would convince them of his attachment to the protestant interest in Germany, and of his sincere desire to preserve the dominions of the unfortunate Frederic.*

When the parliament re-assembled, the royal commissioners (the king lay indisposed at Newmarket) called upon the lower house to redeem the pledge which had been given at the close of the last session, and to enable the sovereign to interpose with weight and efficacy in favour of the Palatine. But they spoke to dissatisfied and irritated minds. Among the popular orators in former debates, no persons had distinguished themselves more than sir Edward Coke and sir Edwin Sands. But 1. the riches which Coke had amassed while he remained in office had awakened suspicions of his integrity; and his intemperate language and overbearing carriage had created

* For some years the Turkish pirates from the Mediterranean had occasionally made prizes in the channel, and repeatedly carried off the inhabitants of the coast of Ireland into slavery. To punish their insolence the king proposed a joint expedition at the expense of the different christian powers: and the last summer he had been persuaded to send out a squadron under the command of the vice-admiral sir Robert Mansell, with instructions to burn the piratical vessels within the harbour of Algiers. The attempt was made with that bravery which always distinguishes the British seamen (1621, May 24), but the assailants had no sooner retired, than the inhabitants, aided by a heavy shower of rain, extinguished the flames, and the whole loss of the Turks amounted only to two vessels, which were entirely consumed. The booms which they now threw across the harbour, and the additional batteries which they mounted on the mole, deterred Mansell from a second attempt. The pirates in the course of the year repaired their loss by the capture of thirty-five English merchantmen: and the whole kingdom rung with complaints of an expedition which served only to injure the trade, and to bring disgrace on the character of the nation. Cabala, 323. Rushworth, 38. Camden, 654, 658.

him numerous enemies. At the instigation of Bacon and lady Hatton inquiries had been made into his conduct as judge, and during the recess a prosecution was commenced against him on a charge of misdemeanor under eleven heads. 2. Sir Edwin Sands had uttered several bold and violent speeches during the last session, and to screen himself from the royal indignation, had obtained from the house before

June 1.

the adjournment, a declaration that he had only done his duty, and had never transgressed the bounds of decorum.* He was, however, arrested with Seldon his legal adviser, examined on some secret charge before the council, and after a detention of a month, restored to liberty. Their friends did not conceal their suspicions. They represented Coke and Sands as martyrs in the cause of the people; and declaimed with bitterness against the mean and despotic vengeance of the court. The commons took up the question with extraordinary warmth. They ordered the accusers of Coke to be taken into custody by the sergeant-at-arms; appointed a committee to examine witnesses; and made an attempt to establish the fact of a conspiracy against him, originating in motives of hostility to his political conduct. Sands at the opening of the session was confined by sickness to his bed. But his case was soon brought forward by his friends; and though the secretary of state declared that his arrest had no connexion with his behaviour in that house, two members were appointed to visit him, and to solicit from him a disclosure of the truth.†

While the commons remained in this temper of mind, it was easy to spur them on to a quarrel with the sovereign. They had evinced some disposition to grant the king a single subsidy, but resolved to present previously, and according to their custom, a petition against the pretended growth of popery. It asserted that the pope aspired to universal dominion in spirituals, the king of Spain in temporals; that to these two powers the English papists looked for the support of their religion; that their hopes had been elevated by the disasters of the Palatine, and the report of an intended marriage between the prince and the infanta of Spain; that they resorted in crowds to mass in the chapels of foreign ambassadors, sent their children to be educated in foreign parts, and were allowed to compound for their forfeitures on easy terms: whence it was to be feared that connivance would beget toleration, toleration would be followed by equality, and equality would soon be

Quarrel between the king and the commons.

* Journals, 636.

† Journals, 643, 644. 662.

improved into ascendancy. On these accounts the house prayed that the king would enter vigorously into the war in Germany, would order an expedition to be sent against some part of the Spanish territory, would marry his son to a protestant princess, would appoint a commission to put in force all laws made and to be made against papists, would recall the sons of noblemen and gentlemen from parts beyond the sea, would order all children, whose fathers and mothers were catholics, to be taken from their parents and brought up protestants, and would annul, if it could be done by law, all inadequate compositions hitherto made for the forfeitures of recusants.

James furtively received a copy of this petition almost as soon as it was drawn. It threw him into a paroxysm of rage. To complain of the growth of popery was not uncommon: but to embody in it insinuations against the honour of his ally the king of Spain, to advise the invasion of the territories of a prince who had given no cause of offence, to dictate to their sovereign in what manner he was to dispose of the prince in marriage, were, in his opinion, instances of presumption which had no precedent, invasions of his prerogative which de-

Dec. 4.

manded the most prompt and energetic resistance. He wrote immediately to the speaker, complaining of the influence possessed by certain "fiery, popular, and turbulent spirits" in the lower house, forbidding them to inquire into the mysteries of state, or to concern themselves about the marriage of his son, or to touch the character of any prince his friend or ally, or to intermeddle with causes which were submitted to the decision of the courts of law, or even to send to him their petition, if they wished him to hear or answer it. As for Sands, they should know that his public conduct was not the cause of his commitment: but at the same time should recollect that the crown possessed, and would exercise, the right of punishing the misbehaviour of the members both in and out of parliament.

From the angry tone and menacing language of this letter, the popular leaders might have inferred, that not only the rights which they claimed, but their personal safety, were at stake. But they knew the weak and vacillating disposition of the king. If he were passionate, he was also timid: if prompt to threaten, yet slow to execute. In strong but respectful terms they presented to him a justification of their conduct: and James, instead of replying with the brevity and dignity of a sovereign, returned a long and laboured, though bitter and sarcastic answer. A

Dissolution
of parlia-
ment.

Dec. 7.

Dec. 14.

war of petitions and remonstrances, messages and recriminations was commenced: one controversy begot another; the commons termed their claims the birthright of the nation, the king pronounced them favours conceded by the indulgence partly of his predecessors, and partly of himself. Yet, as had been foreseen, his warmth began to cool: he lowered the lofty tone which he had assumed: he even sought by a conciliatory message to waive every existing subject of debate. But his opponents were of a more unyielding character. That very day, the eve of the Christmas recess, Dec. 18. they entered a protestation on their journals, that "the liberties and jurisdictions of parliament are the ancient and undoubted birthright and inheritance of the subjects of England; that arduous and urgent affairs concerning the king, the state and defence of the realm, and the church of England, the making and maintainance of laws, and the redress of grievances, are proper subjects of counsel and debate in parliament: that in the handling of these businesses every member hath and ought to have freedom of speech: that the commons in parliament have like liberty to treat of these matters in such order as they think proper; that every member hath like freedom from all impeachment, imprisonment and molestation (other than by the censure of the house itself) concerning any bill, speaking, or reasoning touching parliament matters; and that if any be complained of for any thing said or done in parliament, the same is to be showed to the king by assent of the commons, before the king give credence to any private information." This measure revived the former jealousy and irritation in the breast of James. Sending for the journals, he tore out Dec. 30. with his own hand the obnoxious protestation in the presence of his council, and a few days later 1622. dissolved the parliament.* Jan. 6.

Few of the popular leaders escaped the king's resentment. The earls of Oxford and Southampton from the upper house, and Coke, Philips, Pym and Mallo- ry, from the lower, were summoned before the council, and committed, some to the tower, some

Punish-
ment of the
members.

* Rushworth, i. 40—56. Journals, 200. "The same day his Matie rode by coach to Theobalds to dinner, not intending, as the speech is, to returne till towards Easter. After dinner, ryding on horseback abroad, his horse stumbled and cast his majestie into the Newriver, where the ice brake; he fell in, so that nothing but his boots were seene: sir Richard Yong was next, who alighted, went into the water, and lifted him out. There came much water out of his mouth and body. His Matie rid back to Theobalds, went into a warme bed, and, as we heare, is well, which God continue." Ellis, Original Letters, vol. iii. p. 117.

to the fleet, and others to the custody of private individuals. The cause of their committal, though manifest, was not avowed: and the pretended offences brought forward by the ministers showed that they dared not openly oppose the liberties, the exercise of which they laboured covertly to suppress. There were four other members of the commons, Diggs, Crew, Rich, and Perrot, equally obnoxious to the court, and equally marked out for vengeance. But their previous conduct defied the scrutiny of their adversaries; who, unable to charge them with any criminal offence, resolved to send them into exile under the pretext of an honourable employment. They received orders to proceed to Ireland, and were joined in a commission with certain persons resident in that kingdom, to inquire into the state of the army, the church, and places of public education; into abuses in the collection of the revenue; into illegal and injurious patents; and into the numerous frauds committed by the undertakers of the new plantations. It was in vain to remonstrate: they were told that the king had a right to employ the services of his subjects in any manner which he thought proper: and these men, however bold they had felt themselves in the company of their colleagues in parliament, dared not as private individuals engage in a contest against the crown. They submitted to their punishment, and Coke, to mollify the displeasure of his sovereign, offered to accompany them on their mission, and to aid them with his advice. The offer was refused: but he, as well as the other prisoners, regained his liberty after a short confinement, and a suitable submission.*

Treaty of
marriage
with
Spain.

While James condemned as a sovereign the ambition of the Palatine, he felt as a parent for the misfortunes of his daughter and her children. Hitherto all his efforts in their favour had proved unsuccessful: the late quarrel with his parliament had added to his embarrassment, and he rested his last hope on the friendship and mediation of the king of Spain. Several years before he had sought to connect himself with France by soliciting the hand of the princess Christine for his eldest son Henry, and on the death of Henry, for his only surviving son Charles.† By the artifices of the French court the negotiation was protracted through the lapse of three years, and at last terminated in the absolute rejection of the terms proposed by

* Rushworth, i. 55.

† Henry died on the 6th of November: on the 9th Charles was offered to the princess in his place: so eager was James for the alliance, and so little did he appear to feel for the death of his son: Birch, 372.

James. The Duke of Lerma, the Spanish minister, grasped the favourable moment to offer the 1617.
 infanta, Donna Maria, in lieu of Christine: though there is reason to believe that he had no intention to conclude the match, but threw out the project merely as a bait to allure the English king from his near connexion with the French court. By James, however, the proposal was cheerfully entertained, under the idea that the riches of the father would supply a large portion with the princess, and his superior power would render him a more valuable ally. His views were eagerly seconded by Gondomar, the Spanish, and by Digby, afterwards earl of Bristol, the English ambassador; both of whom considered the accomplishment of the marriage as a certain pledge of their future greatness. By their exertions the chief difficulty, difference of religion, was apparently surmounted: twenty articles, securing to the princess the free exercise of the catholic worship in England, received the approbation of the two monarchs; and James was 1620.
 induced to promise the king of Spain that he April 27.
 would never more suffer catholic priests to be executed for the sole exercise of their functions, and that he would grant to the catholic recusants every indulgence in his power.* Though the negotiation was kept secret, its general tendency transpired; the clergy and the more zealous of their hearers maintained that religion was in danger from the restoration of popery; and that result was the petition of the commons, which provoked the dissolution of the parliament.

The late misfortunes of the Palatine added a new stimulus to the exertions of James, who saw in a family alliance with Spain, the only probable means of preserving the patrimonial dominions of his son-in-law. But his eagerness was most vexatiously checked by the proverbial tardiness of the Spanish cabinet, and by the reluctance of Philip to trust his daughter, a child only twelve years old, in a court where she might perhaps be seduced from the religion of her fathers. But Philip died: and the accession of his son, the fourth of the same name, revived the hopes of the British monarch. Both James and Charles wrote to the March 14.
 new king and his favourite Olivarez: Gondomar was persuaded to return to Spain: Digby, now earl of Bristol, followed to accelerate the negotiation; and a favourable answer was returned, stating the earnest desire of Philip to conclude the marriage of his sister, and his willingness, at

* See the letter in Prynne's *Hidden Works of Darkness*, p. 8.

the request of James, to interpose his good offices in behalf of the Palatine.*

As a preparatory step, a dispensation was solicited from the pope by the Spanish king through the agency of his ambassador, the duke of Albuquerque, and of the Padre Mæstro, a clergyman attached to the Spanish legation in England. It had been agreed that James should not appear in the negociation; but such was his impatience, that he despatched

Indulgen-
ces granted
to the cath-
olics.

George Gage, a catholic gentleman, to Rome, with letters to the pope, and the cardinals Ludovicio and Bandini, while his favourite, Buckingham, employed for the same purpose Bennet, a catholic priest and agent for the secular clergy.† To the request of these envoys the pontiff replied, that he could not dispense with the canons, unless it were for the benefit of the church; that though James had promised much to the late king of Spain, he had yet performed nothing; let him as he had offered, relieve the catholics from the pressure of the penal laws, and then a sufficient ground would be laid for the dispensation.‡

This suggestion was not lost on the English monarch. He ordered the lord keeper to issue, under the great seal, pardons for recusancy to all catholics who should apply for them in the course of five years, and instructed the judges to discharge from prison, during their circuits, every recusant able and willing to give security for his subsequent appearance. This indulgence awakened the fears of the zealots; and Williams, to silence their complaints, alleged, 1. that some modification of these severities had become necessary to satisfy the catholic princes, who threatened to enact against the protestants in their dominions laws similar to those under which the catholics groaned in England: 2. that it was in reality a very trifling relief; for if the recusants were no longer in prison, "they had still the shackles about their heels," and might be remanded at pleasure: and 3. that it could create no danger to the protestant ascendancy, as it did not extend to any prisoner confined for those religious acts, which the law had converted into capital offences. But, though his arguments might appease the protestants,

* Rushworth, i. 56.

† See note (F).

‡ MS. letter from Bennet, in my possession. Prynne, p. 8. It appears from the Hardwicke papers, that during these negociations the king wrote two letters to different popes. The greatest secrecy was observed. Of their contents the only thing mentioned is a request, that the pontiff would withdraw the jesuits out of the British dominions. Hard. papers, i. 458. 469.

they alarmed the catholics: a suspicion was provoked that James acted with his former duplicity; and if Gondomar boasted in Spain that four thousand catholics had been released from confinement, it was replied, that "they had still the shackles about their heels," and would enjoy their liberty no longer than might suit the royal convenience.*

While the king negotiated for the Palatine, the enemies of that prince had taken the field, Heidelberg surrendered: Mannheim was threatened; and there was every appearance that in the course of a few weeks the last remnant of his patrimony would be torn from him for ever. The news aroused the spirit of James, who complained that he had reason to expect a very different result from the interposition of the Spanish court;

Progress of
the treaty.

and ordered Bristol to return to England, unless he should receive a satisfactory answer within ten days.† But Philip was able to show that the blame ought not to be imputed to him; he ordered his forces in the palatinate to co-operate with those of James; and the treaty of marriage proceeded rapidly towards its conclusion. The religious articles respecting the infanta, with several corrections made in Rome, were subscribed by James and his son; who, moreover, promised, on the word of a king and a prince, that the English catholics should no longer suffer persecution or restraint, provided they confined to private houses the exercise of their worship.‡ It was agreed that the dower of the princess should be fixed at 2,000,000 of ducats; that the espousals should be celebrated within forty days after the receipt of the dispensation; and that the departure of the princess, under the care of Don Duarte of Portugal, should follow in the course of three weeks. Even the two last points in debate, the time for the consummation of the marriage, which the Spaniards sought to delay for a few months, and the intervals between the several payments of the portion, which one

Oct. 3.

1623.
Jan. 5.

* Dodd, ii. 439. Cabala, 293—295. Rushworth, i. 63. Prynne, 13, 14, 15.

† To this despatch, however, was added a private note, forbidding Bristol to come away without additional orders, "though," says James, "publicly and outwardly you give out the contrary, that we may make use thereof with our people in parliament, as we shall hold best for our service." Prynne, 20.

‡ These articles and corrections are published in the *Mercure Francois*, ix. 517. and in Dumont, *Corps Diplomatique* V. partie, ii. p. 432: but more correctly by Prynne, p. 4. where the first column contains the articles agreed upon by James and Philip III., the second the same, corrected by Gregory XV. See also Clarendon papers, i. 4—7.

March 2. party wished to prolong, the other to contract, were, after some dispute, amicably arranged; and Bristol and his coadjutor Aston, the resident ambassador, congratulated themselves that they had brought this long and difficult negotiation to a successful issue.*

Journey of
the prince
to Spain.

March 7. It was at this moment that two strangers, calling themselves John and Thomas Smith, arrived in the dusk of the evening at the house of the earl of Bristol, in Madrid. They were the prince of Wales and the marquess of Buckingham, who had left England without the privity of any other person than the king, and had travelled in disguise, with three attendants, to the capital of Spain.† The project of this extraordinary journey had originated with Gondomar, during his embassy in the preceding summer: its execution had been hastened by despatches received from him in the preceding month. To the youthful mind of Charles it presented a romantic, and therefore welcome, adventure, far superior in point of gallantry to the celebrated voyage of his father in quest of Anne of Denmark: to Buckingham it promised something more than pleasure, the glory of completing a treaty which, for seven years, had held the nations in suspense, and the opportunity of establishing a powerful interest, not only in the heart of the prince, but also of his expected bride.‡

Bristol received his distinguished guests with the respect due to their rank, but without any expression of surprise. From the conversation of Gondomar, he had previously collected sufficient to infer that such a journey was in contemplation; and, to prevent it, had recently despatched a messenger, who passed the travellers in the vicinity of Bayonne.§ But though he assumed an air of satisfaction, he felt the keenest disappointment. Buckingham had interposed between him and the completion of his labours; and he foresaw that, if the arrogance and licentiousness of the favourite did not

* Hardwicke papers, 400. 404. 496—498. Frynne, 14—25. Clarendon papers, i. App. xxx.

† Sir Francis Cottington, Endymion Porter, and sir Richard Graham.

‡ Howell's Letters, tenth edition, p. 132. Ellis, Original Letters, iii. 134. The earl of Bristol asserted before the lords that the journey was planned between Buckingham and Gondomar, and that he would prove it to their conviction. Journals, 586. 640. Buckingham, however, told Gerbier, that it originated with himself. He hoped by it to procure the palatinate, or at least to bring the sincerity of the Spaniards to the test. D'Israeli, iii. 442. from Sloane MSS. 4181.

§ The prince stopped him, and opened his despatches, but being unable to decipher them, suffered him to proceed. Hardwicke papers, i. 403.

interrupt the treaty, his rapacity and ambition would reap all the benefit, and monopolise all the glory.

The king, the nobility, and the population of Madrid, seemed at a loss to testify their joy at this unexpected event. The prince was received with every complimentary honour, which Spanish ingenuity could devise: the prisons were thrown open; the disposal of favours was placed in his hands; he was made to take precedence to the king himself; and two keys of gold gave to him admission, at all hours, into the royal apartments.* His visit was considered not only as a proof of his reliance on Spanish honour, an earnest of his attachment to the Spanish princess, but also as a prelude to his conversion to the catholic faith. Such hopes had already been held out by Gondomar, and, there is reason to believe, not entirely without foundation. From the contradictory assertions of Buckingham and Bristol, who afterwards charged each other with having advised that measure, it may be difficult to elicit the truth; but the two travellers, in the first letter which they despatched to the king, to announce their arrival, requested to know how far he might be induced to acknowledge the authority of the pope. Whatever could be their object in putting this extraordinary question, it was marred by the resolute answer of James.† Still the prince hesitated not, in reply to a letter from the pontiff, to promise that he would abstain from every act of hostility to the Roman catholic religion, and would seek every opportunity of accomplishing a re-union between the two churches.‡

Mar. 10.

Mar. 25.

* Ellis, iii. 142. James observes on this subject, "The newis of youre gloriouse reception thaire, makes me afrayed that ye will both miskenne your olde Dade hereafter." p. 139.

† If the pope will not grant the dispensation, then we would gladly have your directions how far we may engage you in the acknowledgment of the pope's special power: for we almost find, if you will be contented to acknowledge the pope chief head under Christ, the match will be made without him. Mar. 19. On the 25th James replies that he knows not what they mean by acknowledging the pope's spiritual supremacy. He is sure they would not have him renounce his religion for all the world. Perhaps they allude to a passage in his book, where he says, that if the pope would quit his godhead and usurping over kings, he would acknowledge him for chief bishop, to whom all appeals of churchmen ought to lie en dernier resort. That is the furthest his conscience will permit him to go. He is not a monsieur, who can shift his religion as easily as he can shift his shirt when he cometh from tennis. Hard. papers, ii. 402. 411.

‡ "Ab omni demum actu temperabimus, qui aliquam præ se speciem ferat nos à Romana catholica religione abhorreere, sed omnes potius captabimus occasiones, quo . . . in ecclesiam unam unanimiter coalescamus." Ibid. i. 453. "This letter," says lord Clarendon, "is by your favour more than a compliment:" and Urban viii. calls it, "litteras testes suæ in Romanos pontifices voluntatis." Rushworth, i. 95.

New nego-
tiation.

In England the sudden disappearance of the prince had excited surprise and alarm: the intelligence of his arrival in Spain, though celebrated at the royal command with bonfires and the ringing of bells, was received with strong expressions of disapprobation. But James remained faithful to his word. He refused to listen to those who condemned or remonstrated;* he forwarded to Charles officers, and chaplains, and jewels; and he raised Buckingham to the higher title of duke, that he might equal in rank the proudest grandee in the Spanish court. In addition (so blind was the confidence of the doating monarch), he assented to the request of the adventurers that their proceedings should be concealed from the knowledge of his council, and by a solemn promise in writing, engaged to ratify whatever they might conclude with the Spanish minister.† Never did sovereign deceive himself more miserably. Baby Charles and the dog Steenie. (such were the elegant appellations which they gave to themselves in their letters) proved unequal to the task they had assumed. Charles was imprudent, Buckingham resentful: instead of accomplishing the marriage, they dragged the unsuspecting king into a war: and his disappointment and vexation contributed not only to embitter, but to shorten, his days.

It was not without reluctance that Olivarez had agreed to the conditions proposed by Bristol and Aston. He knew that the clergy and nobility of Spain objected to the match: the king was still a minor in his twentieth year; and the whole responsibility of the measure rested on his own shoulders.‡ The arrival of the royal stranger suggested the hope of obtaining more favourable terms. His inexperience would render him less cautious, his ardour less stubborn: he

* Among these was archbishop Abbot, whose letter proved the bitterness of his zeal as a divine, and the soundness of his principles as a statesman. "By your act," he says to the king, "you labour to set up that most damnable and heretical doctrine of the church of Rome . . . you show yourself a patron of those doctrines which your conscience tells yourself are superstitious, idolatrous, and detestable. Add to this what you have done in sending your son into Spain without the consent of your council or the privity of your people. Believe it, sir, howsoever his return may be safe, yet the drawers of him to that action will not pass away unquestioned, unpunished. Besides this toleration which you endeavour to set up by proclamation, it cannot be done without a parliament, unless your majesty will let your subjects see, that you will take to yourself a liberty to throw down the laws of your land at pleasure." Prynne, 40. Rushworth, 85.

† Hardwicke papers, 410. 417. 419. Cabala, 129. Ellis, Original Letters, iii. 139.

‡ Hard. papers, i. 424. 426. Howell's letters, 124, 125. Lords' Journals, 226.

had rashly placed himself at the mercy of the Spanish ministry; and must submit either to purchase his bride at any price, or to incur the disgrace of having passed the sea on a visionary and sleeveless errand.

In private conversation with Charles and Buckingham, Olivarez insinuated that the negociation with Bristol had been more for show than reality: that now was the time to treat in good earnest, when every difficulty might be surmounted by the presence of the prince and the wisdom of his adviser.* The young men suffered themselves to be duped by the flattery and cunning of the Spaniard. In defiance of the remonstrances of the two ambassadors the discussion was re-opened: the articles already agreed upon were reconsidered; and Olivarez was careful to supply new subjects of debate, while Buckingham looking on Bristol as a rival, rejected his advice, and treated him with scorn and neglect.

The dispensation had been granted, but it contained an additional clause, that, before the consummation of the marriage, the king of Spain should procure from the British monarch sufficient security for his performance of those promises, which he had made in favour of his catholic subjects. This opened a wide field for discussion and delay: every proposal was first debated between the parties, then carried before the council, and thence transmitted to a junta of divines, to whom, as the question concerned the king's conscience, Olivarez contended that the decision properly belonged. 1. The result was a public and private treaty.† The first, according to the former agreement, stipulated that the marriage should be celebrated in Spain, and afterwards ratified in England; that the children should remain till the age of ten years under the care of their mother; that the infanta and her servants should possess a church and chapel for the free exercise of their religion; and that her chaplains should be Spaniards, living under canonical obedience to their bishop. The private treaty contained four articles: that none of the penal laws for religion should be executed: that the catholic worship in private houses should be tolerated: that no attempt should be made to seduce the princess from the faith of her fathers; and that

Delays of
the
Spaniards.

* See in the Lords' Journals Buckingham's proofs that the Spaniards were insincere, and Bristol's proofs to the contrary, 221. 226. 663. It is plain that, if the former were conclusive, they refer chiefly to the negociation under Philip III.

† Dumont, v. part ii. 440. Prynne, 40. Clarendon papers, i. App. xxiv. —xviii.

the king should exert all his influence to obtain the repeal of the penal statutes in parliament. Both James and the lords of the council swore to the observance of the public treaty in the royal chapel at Westminster: * the king alone, to that of the secret treaty, in the house of the Spanish ambassador, and in the presence of four witnesses. †

Dissatisfaction of Buckingham.

The royal oath did not, however, give entire satisfaction. The conduct of James at a more early period had imprinted on his character the stigma of insincerity; and the doubts of Philip were nourished by the despatches of his ambassadors. ‡ He proposed that the marriage should be consummated in Spain, and that both the princess and the dower should remain there till the following spring, as a security that the promised indulgence should in the mean time be actually granted to the catholics. But by this time the patience of the prince was exhausted, and both interest and pride induced his companion to advise his return to England. 1. Buckingham had learned that his real but secret enemies were more numerous than he had supposed. His absence had emboldened them to whisper occasionally in the royal ear instances of his indiscretion and abuse of power, and the friends of Bristol were eager to paint in the most vivid colours the insults offered to that able minister by the arrogance and presumption of the favourite. He was aware of the easy and credulous disposition of his master; he knew not what im-

* Archbishop Abbot, notwithstanding his letter, took the oath with his colleagues, a condescension which delighted the king: "now I must tell you miracles: our great primate hath behaved himself wonderfully well," &c. Hard. papers, i. 428.

† James previously protested that he did not mean to resign the power of enforcing the laws against the catholics, if they should embroil the government; that he swore safely to the repeal of the laws, because he was sure that he could not effect it, and that he should not be bound by his oath, if the marriage did not take effect. Prynne, 47. Hardwicke papers, i. 428—430. Clarendon papers, i. 10. He would not have sworn at all, had he not promised to ratify every agreement made by Charles at Madrid. Ellis, Original Letters, ii. 154.

‡ For this there was some reason. When the ambassador desired the king to issue a proclamation forbidding all persecution of catholics on the ground of conscience, he replied that a proclamation was but a suspension of the law, which might be made void by another proclamation, and did not bind a successor: he would rather grant them an immunity from all penalties for the time to come, and forbid the magistrates, judges, and bishops to put the laws in execution against them. But when this was intimated to the lord keeper, he refused to issue the prohibition as being a thing unprecedented in the kingdom. Hardwicke papers, i. 437. Cabala, 297. Rushworth, 101.

pression might be made by the repeated charges of his enemies; and he began to listen to the entreaties of his dependants, who admonished him, as he tendered his own greatness, to hasten back to England, and to resume his former place near the person of his sovereign.* 2. To prolong his stay at Madrid was become irksome to his feelings, perhaps dangerous to his safety. His frequent quarrels with Olivarez, though apparently suppressed at the command of Philip and Charles, had created a deadly enmity between the two favourites: the levity of his manners, the publicity of his amours, and his unbecoming familiarity with the prince, daily shocked the gravity of the Spaniards; and the king himself had said, or was reported to have said, that his sister never could be happy as a wife, if so violent and unprincipled a man continued to enjoy the confidence of her husband. The duke knew that he had forfeited the esteem of the Spanish court: and resentment on the one hand, interest on the other, led him at last to oppose that match, which it had hitherto been his great object to effect.†

A new cause of delay had arisen from the unexpected death of Gregory XV. As no use had been made of the dispensation granted by the pontiff, it was held necessary to procure another from his successor. July 14.
In the mean while an additional treaty was signed, by which the prince engaged to marry the July 26.
infanta at Madrid, on the arrival of the answer from Rome, the king to send her to England on the first day of the following month of March.‡ Charles, however, had no intention to be bound by this agreement; he assured July 29.
his father that he would never consent to any ceremony of marriage, unless with the assurance that his wife should accompany him home; and to further his project he

* See a letter in Cabala, 128. "My lord of Bristol hath a great and more powerful party in court than you imagine: insomuch that I am confident, were the king a neuter, he would prevail." Ibid. 129. Laud was very active in his correspondence with the duke, informing him of the cabals against him. Heylin, 105. 113.

† "The truth is that this king and his ministers are grown to have a great dislike against my lord duke of Buckingham,—they judge him to have so much power with your majesty and the prince, to be so ill affected to them and their affairs.... unless you find some means of reconciliation, or let them see that it shall not be in his power to make the infanta's life less happy," &c. Bristol to the king, Hard. papers, i. 477. also 479. Cabala, ii. 98, 99. 271. 276. 308. 358. Howell's letters, 138. Journals, 224.

‡ In consequence of this agreement a public bull fight, and a most gorgeous jeu de cannas, in which the king, his brothers, and nobles, displayed all their magnificence, was exhibited at Madrid. See the description in Somers' Tracts, ii. 532—540.

requested a royal order for his immediate return. Its arrival

Aug. 22. rendered a new arrangement necessary. It was stipulated that the espousals should take place before the feast of Christmas; that at the ceremony the prince should be represented by Philip or his brother Don Carlos, and that a procuration with full powers to that effect should be deposited with the earl of Bristol, and be delivered by that minister to the king within ten days after the receipt of the papal answer. These articles were reciprocally confirmed

Aug. 29. by oath: the infanta assumed the title of princess of England, and a court was formed for her corresponding to her new dignity. Philip and Charles parted from each other as brothers, with professions of the warmest attachment; their favourites, with the open avowal of their enmity. "To the king, the queen, and the princess," said Buckingham, addressing Olivarez, "I shall always prove myself a humble servant, to you never." "I am honoured by the compliment," was the reply of the Castilian.*

Artifice to break off the match. Notwithstanding these oaths and appearances, the projected marriage was already broken off in the determination of Buckingham, probably in that of Charles. From Segovia, Clerk, a dependent of the favourite, returned to Madrid, and under the pretext of sickness was received into the house of the earl of Bristol. His unexpected appearance excited surprise;† but he suffered not his real purpose to transpire, till, deceived by an ambiguous expression of his host, he persuaded himself that the papal rescript had been received. Immediately he put into the hands of Bristol a letter from the prince, forbidding him to deliver the procuration to the king, till security had been obtained that the infanta would not, after the marriage contract, retire into a convent. That there was any ground for such a suspicion we are not told: but the real object of the letter was to prevent that marriage, to which Charles had bound himself by his oath. The mistake of Clerk afforded time to Bristol to defeat the artifice. He demanded an audience of the king, obtained from him every

* Somers' Tracts, ii. 545. Hard. papers, i. 432—436. 476. 479. 489. Cabala, 358. Rushworth, 103. Prynne, 49. Clarendon papers, i. App. xxv.—xxix.

† "He is one of the D. of Buckingham's creatures, yet he lies at the E. of Bristol's house.... We fear that this Clerk has brought something to puzzle the business." Howell's letters, 148. Hard. papers, i. 481. Lords' Journals, 643. Cabala, 107. 216.

security that could be wished, and sent by express the unwelcome intelligence to the British court.*

The failure of this expedient suggested a second. James, at the persuasion of Buckingham, commanded Bristol to deliver the procuration at Christmas, "that holy and joyful time best fitting so noble and blessed an action as the marriage." The earl saw that the credulity of his sovereign had been deceived; and informed him by express that the powers conferred by the deed would then have expired; that to present it only when it had ceased to be in force, would be to add insult to bad faith; that the papal approbation was already signed at Rome; and that unless he should receive orders to the contrary, he should deem himself bound by the treaty and by his oath to deliver the proxy at the requisition of the king of Spain. In the course of a fortnight the dispensation arrived at Madrid: Philip appointed the 29th of November for the espousals—the 9th of the next month for the marriage: the Spanish nobility received invitations to attend; a platform covered with tapestry was erected from the palace to the church; and orders for public rejoicings were despatched to the principal towns and cities. It wanted but four days to the appointed time, when the three courtiers, pressing on the heels of each other, reached Madrid: and from them Bristol received a prohibition to deliver the proxy, an order to prepare for his return to England, and instructions to inform Philip, that James was willing to proceed to the marriage, whenever he should pledge himself under his own hand to take up arms in defence of the Palatine, and fix a day when his mediation should cease and hostilities begin. The feelings of the Spanish monarch were hurt. He replied that such a demand at such a moment was dishonourable both to himself and his sister. The treaty had been signed, the oaths taken. Let the king and the prince fulfil their obligations—he would faithfully perform his promises. The preparations for the marriage were immediately countermanded; the infanta resigned with tears her short-lived title of princess of England; and Charles and Buckingham triumphed in the victory which they had obtained over

Oct. 8.

Oct. 29.

Nov. 12.

* Hardwicke papers, i. 481. "The countess of Olivarez broke it to the infanta, who seemed to make herself very merry that any such doubt should be made: and said she must confess she never in all her life had any mind to be a nun, and hardly thought she should be one now, only to avoid the prince of Wales." Clarendon papers, i. App. xix.

Bristol, and the wound which they had inflicted on the pride of Spain.*

Recal of Bristol. A short time previously to their departure they had received powers to treat respecting the Palatinate: but Philip had interrupted the discussion by saying that in contemplation of the marriage he would give the king of England a blank paper, and would assent to any conditions which *he* might prescribe. Now

Dec. 26. when his anger was cooled, he listened to the representations of Bristol, and though he refused, as indecorous, to declare war against his nephew the emperor, before he received an answer to his mediation, he pledged himself in writing never to cease from the pursuit, till he had procured by arms or negotiation the restitution of the Palatine's hereditary dominions. The ambassadors deemed this assurance satisfactory; but nothing could satisfy men who had already determined to kindle a war between the two crowns.

If Buckingham hated, he also feared, the earl of Bristol. He had seen the representation of his conduct, which that minister, in defiance of the prohibition of Charles, had sent to the king; and was aware that the presence of so able an adversary might shake his authority, and disconcert the plans which he had formed. Bristol received an order to discontinue his services in the Spanish court, but to take his leisure on his way back to England. Philip warned him of the dangers which menaced him at home, and offered to make for him the most ample provision, if he chose to remain on the continent: but the earl replied that he would rather lose his head with a clear conscience in England, than live under the imputation of treason, a duke of Infantado in Spain. He hastened his return, but on his landing received an order to repair to his house in the country, and to consider himself a prisoner. All his entreaties were fruitless. James, though he wished it, never found the opportunity of hearing him, and the disgraced minister was not suffered either to visit the court, or to take his seat in parliament during the remainder of this reign.†

From a careful review of all the proceedings connected with the Spanish match, it may be fairly inferred, 1. that,

* Hard. papers, 485--490. 411. 422. Clarendon papers, i. 13. Cabala, 3. 100. 107. 263. Prynne, 55--61. Lords' Journals, 643. See the attempt of Charles to justify himself, though the instrument contained a clause disabling him from revoking the procuration. Journals, 228.

† Cabala, 45. 127, 128. Lords' Journals, 586. Buckingham attempted to have him sent to the Tower: but the duke of Richmond and the earl of Pembroke opposed it. Ibid. 587.

had the treaty been left to the address and perseverance of the earl of Bristol, it would have been brought to the conclusion which James so earnestly desired: 2. that the Spanish council had ministered ample cause of offence to the young prince by their vexatious delays, and their attempts to take advantage of his presence: 3. that he, nevertheless, entered spontaneously into solemn engagements, from which he could not afterwards recede without the breach of his word: 4. and that, in order to vindicate his conduct in the eyes of the English public, he was compelled to employ misrepresentation and falsehood. But the great misfortune was the baneful influence which such proceedings had upon his character. He was taught to intrigue, to dissemble, to deceive. His subjects, soon after he mounted the throne, discovered the insincerity of their prince: they lost all confidence in his professions; and to this distrust may in a great measure be ascribed the civil war which ensued, and the evils which befel both the nation and the sovereign.

James had received the knights errant, so he called them, with congratulations on their safe return, but observed with grief the alteration which had taken place in their sentiments. He shut himself up in solitude at Newmarket, abstained from his favourite amusements of hunting and hawking, and refused to accept the usual compliments of the courtiers on the first and fifth of November. Nothing could persuade him that hostility with Spain would procure the restoration of the Palatinate: and under this impression he proposed to Frederick a new arrangement, that he should make his submission to the emperor: should marry his eldest son, who was to be educated in the English court, to the daughter of that prince: should receive in quality of tutor or administrator possession of his former dominions, and should be content to leave the dignity of elector to the Duke of Bavaria for life, on condition that it should afterwards revert to himself and his heirs. Of the consent of Frederic and Philip the king entertained no doubt: but the Palatine, encouraged by the known sentiments of Charles and his adviser, returned an absolute refusal.*

Regret of
James.

Dec. 20.

During the holidays at Christmas James required the opinion of his privy council on the two following questions: had the king of Spain acted insincerely in the late treaty, or had he given sufficient provocation to justify a war? To both a negative answer was returned, to the first by all, to the

* Cabala, 192. 266—269.

second by a majority of those present. Buckingham did not conceal his dissatisfaction; to Williams, the lord keeper, and Cranfield, the lord treasurer, he held out menaces of vengeance. It was not that they had distinguished themselves by the violence of their hostility, but he had been accustomed to consider them as his creatures, and had hitherto found them obsequious to his will. They were, however, men who had no other conscience than interest. During his absence in Spain they began to doubt the permanence of his power, and from that time their fidelity had fluctuated with the contradictory reports of the court. One day they ventured to oppose his views, the next they sought reconciliation with tears and entreaties.*

Parliament
called.

The king had cherished the hope of relieving his pecuniary embarrassments from the portion of the Infanta: the failure of this resource compelled him to summon a parliament. In respect of Buckingham it might appear a hazardous experiment; but his late opposition to the match had atoned in the eyes of its adversaries for his temerity in conducting the prince into Spain: and through the agency of Preston, a puritan minister and chaplain to the prince, he had formed a coalition with his former enemies of the country party. Several private conferences were held between him and the earl of Southampton, the lords Say and Sele, and other leaders of the opposition in both houses; former injuries were reciprocally forgiven: the duke secured impunity to himself by surrendering his faithless dependents to the vengeance of his new friends; and it was agreed that a plentiful supply should be granted to the king, on condition that he put an end to the treaty, and declared war against Philip of Spain.†

The reader will have formerly observed that in ancient times the commons entertained the most humble notions of their duties and abilities. They presumed not to pry with unhallowed gaze into the mysteries of state: and if their

* Hacket, i. 165—169. Cabala, 274. See a whining letter from Williams, excusing his past conduct, and begging the duke to receive his soul in gage and pawn. Feb. 2, 1624. Cabala, 298. It is dated Feb. 2. On the sixth day they were reconciled; on the day before the opening of parliament, Williams made this submission to Buckingham. Laud's Diary, 10.

† Ibid. 170. This was in conformity with the advice given him by Bacon, to seek friends by condescension, to remember that "a good Bowler has almost the knee on the ground." Bacon, vi. 362. The calling of parliament was taken as a proof of Buckingham's power. "Now there is an end to saying the match must break or his fortune break: he ran with the stream of the king's ways; now that he goeth cross-ways, he may soon lose his own way." Ibid. 363.

advice was occasionally asked by an indigent monarch, they uniformly replied that such matters were far above their capacity. But time had levelled many of the distinctions which had formerly marked society; with the diffusion of education political knowledge had also been diffused; and, as the commons could no longer be guided by the nod of the sovereign, it became necessary to coax them by flattering their pride and admitting their importance. It was, however, with the greatest reluctance that James submitted to the advice of his son and favourite, and consented to divide with parliament what he deemed the chief prerogative of the crown. But worn out by their prayers and remonstrances, he allowed them to lay the state of the negotiation with Spain before the two houses, that after mature deliberation the lords and commons might give him their united advice.

He opened the parliament in a more humble tone than he had been accustomed to assume. Remembering former misunderstandings, he had brought with him, he said, an earnest desire to do his duty, and to manifest his love for his people. He had been long engaged in treaties; he had sent his son with the man whom he most trusted in Spain, to discover the true intent of that court; he had received proposals from it since their return, all that had passed should be submitted to their consideration, and he should entreat their good and sound advice, *super totam materiam*. One thing he must not forget. Let them judge him charitably as they would wish to be judged. In every public and private treaty, he had always made a reservation for the cause of religion; sometimes, indeed, he had thought proper to connive at the less rigorous execution of the penal statutes; but to dispense with any, to forbid or alter any that concerned religion, he exclaimed, "I never promised or yielded—I never thought it with my heart, nor spoke it with my mouth."* In conclusion, he bade them to beware of jealousy, to remember that time was precious, and to avoid all impertinent and irritating enquiries.†

Within a few days, a general conference was held between the two houses. Before them Buckingham delivered a long

Address to
break off
the match.

1624.
Feb. 19.

* Was he not perjured then, when he swore on the 20th of July, "quod nulla lex particularis contra catholicos Romanos lata, nec non leges generales sub quibus omnes ex æquo comprehenduntur, modo ejusmodi sint, quæ religioni Romanæ repugnant, ullo unquam tempore, ullo omnino modo aut casu, directe vel indirecte, quoad dictos catholicos Romanos executioni mandabitur." Prynne, 44. Hard. papers, i. 428, 430.

† Lords' Journals, 209.

- and specious narrative of the proceedings with Spain. The prince (so early was he initiated in the art of deception) stood by him to aid his memory, and to vouch for his accuracy; and the two secretaries attended to read a few garbled extracts from despatches which tended to support his statement.* The only man who could have exposed the fallacy, the earl of Bristol, was absent, and condemned to silence; but the Spanish ambassadors protested against the speech of the duke, as injurious to their sovereign, and asserted that, had one of their countrymen spoken in the same manner of the king of England in Spain, he would have paid with his head the forfeit of his insolence. The two houses, however, defended the conduct of Buckingham; declared that his words regarded the acts of the Spanish ministers, not of the king; and in an address to the throne, pronounced their opinion, that the two treaties for the marriage and the restoration of the Palatinate could not be continued with honour or safety.†

James shuddered at the prospect which opened before him, but had not the spirit to oppose the precipitate councils of his son and his favourite. After some faint and ineffectual struggles, he submitted to his fate, and suffered himself to be borne along with the current. In answer to the

- March 8. address, he observed, that there were two points for consideration,—one, whether he could with honour and conscience engage in war, and that regarded himself exclusively: the other, whether he possessed the means of prosecuting it with vigour, which depended upon them. His debts were enormous, his exchequer empty, his allies impoverished, and the repairs of the navy, the charge of the army, and the defence of Ireland, would each require considerable sums. However, if they should vote him money, no part of it, he assured them, should find its way into the royal coffers, but the whole be appropriated to the purposes of the war by commissioners elected by themselves.‡

- This speech called forth a second address, in which both lords and commons offered, in general terms, to support him with their persons and fortunes. To present it was the lot of the archbishop of Canterbury,—a welcome task to one

Vote of money.

March 12.

*His highness the prince, says the lord keeper, upon very deep reasons, doubts whether it be safe to put all upon the parliament, for fear they should fall to examine particular despatches, wherein they cannot but find many contradictions. He wishes to draw on a breach with Spain with(out) ripping up of private despatches. Cabala, 299. The despatches in the Hardwicke papers show the prudence of this counsel.

† Lords' Journals, 220—247.

‡ Lords' Journals, 250.

who, but six months before, had, with a trembling hand and heavy heart, sworn to the religious articles of the Spanish treaty. But when he congratulated James on "his having become sensible of the insincerity of the Spaniards," "Hold," exclaimed the monarch, "you insinuate what I have never spoken. Give me leave to tell you, that I have not expressed myself to be either sensible or insensible of their good or bad dealing. Buckingham hath made you a relation on which you are to judge; but I never yet declared my mind upon it."* March 17.

The king, in conclusion, required a present aid of £700,000 to begin the war, and an annual supply of £150,000 towards the liquidation of his debts. The amount shook the resolution of the commons, but the prince and the duke assured them that a smaller sum would be accepted, and they voted £300,000, to be raised within the course of twelve months. This vote was coupled with another address in vindication of Buckingham, against the complaints of the Spanish ambassadors, and was followed by a royal proclamation announcing that both the treaties with Spain were at an end.† March 22.

The proceedings after the Easter recess may be arranged under three heads. 1. A joint petition was presented to the king, praying him to enforce the penal statutes, against catholic priests and recusants.‡ James once more called God to witness that he never intended to dispense with those laws, and promised that he would never permit, in any treaty whatsoever, the insertion of any clause importing indulgence or toleration to the catholics.§ A proclamation was issued, commanding all missionaries to leave the kingdom against a certain day, under the penalty of death. The judges and magistrates received orders to put in execution the laws as in Proceedings against catholics. April 23.

* Ibid. 259. 261. 265.

† Ibid, 273. 278. 282. Journals of Commons, 770. The earl of Rutland, to the general surprise, voted against the grant of money for the war. Compare Laud's Diary, March 22, with the Journals, 273.

‡ The constitutional reader should be told, that the commons had resolved to petition the king for a proclamation, ordering the due execution of the laws against recusants: but the lords objected to it, "lest posterity should hereafter deem that the execution of the laws were slackened by proclamation." Journals, 297. The petition proposed by the commons was, in the language of James, "a stinging one:" but he had sufficient influence with the lords to procure the substitution of another more moderate. See Rushworth, i. 140.

§ On this occasion Charles also professed, and bound himself with an oath, "that whensoever it should please God to bestow upon him any lady that were popish, she should have no further liberty but for her own family, and no advantage to the recusants at home." Journals of Commons, 756.

former times: the lord mayor was admonished to arrest all persons coming from mass in the houses of the foreign ambassadors; and James asked the advice of the bishops and his council respecting the most eligible means of educating the children of catholics in the reformed doctrines.* But the commons were not satisfied. Every member was called upon to state the names of all persons holding office in his county, and known or suspected to be catholics. The list, after several erasures and alterations, received the approbation of the house, and a petition for the immediate removal of these persons from their situations was unanimously voted. But the lords, when it was sent up to them, returned for answer, that it was the custom of their house to receive evidence upon oath, and to hear the parties accused; that to concur in the petition, would be to judge and condemn without sufficient proof: and therefore it was thought better that the prince should communicate it privately to the king, as a matter of state which deserved his most serious attention. In this they acquiesced; the petition was read to James and then forgotten.†

Grievances. 2. The commons revived their committee of

grievances, and all persons holding patents from the crown received orders to send them in for inspection. After a long and tedious scrutiny, some were returned as innocuous, several were pronounced illegal, and the remainder was reserved for examination in the subsequent session. When they presented their grievances, eleven in number, to the king, he begged in return to present his grievances to them: They had encroached on his ecclesiastical authority, they had condemned patents of undoubted utility, and in all their inquiries they had suffered themselves to be directed by the lawyers, who, he would say it to their faces, of all the people in the kingdom, were the greatest grievance to his subjects; for where the case was good to neither of the litigants, they took care that it should prove beneficial to themselves.‡

Prosecution of the earl 3. The leaders of the country party hastened to avail themselves of their compromise with Buckingham, and began with the prosecution of

* Lords' Journals, 317.

† Lords' Journals, 397. Journals of Commons, 754. 776. 788. 792. This list was divided into two parts: the first contained the names "of popish recusants or non-communicants, that had given overt suspicion of their ill affection in religion, or that were reported or suspected to be so;" it contained 33 names; the other of those "that had wives, children, or servants, that were recusants or non-communicants, or suspected or reported to be so," the names were thirty-six. See them in the Journals, 394.

‡ Cobbett's Parl. Hist. i. 1503.

Cranfield, earl of Middlesex, lord treasurer, and of Middlesex, master of the court of wards. The reader will ^{sex.} recollect that the treasurer was one of the two whom the favourite had threatened with his vengeance. James wished, but had not the courage, to save him. He admonished Buckingham to beware how he put into the hands of the commons a weapon which they might one day wield against himself;* he wrote to the lower house that the earl of Middlesex, instead of advising, as they supposed, the dissolution of the last parliament, had on his knees begged for its continuance;† and he reminded the lords that the treasurer held an office, in which he could not be faithful to his prince without creating enemies to himself: that in many things he had no will of his own, but was merely the minister of the royal pleasure; and that amidst a multiplicity of business, it was very possible for the most upright mind to commit error, through want of information or fallibility of judgment. But the influence of Buckingham was irresistible. Petitions April 16. were presented against Middlesex, and the commons impeached him before the lords of bribery, oppression, and neglect of duty. On his trial he maintained his innocence, repelled the charges with spirit, and loudly complained of the inequality between his prosecutors and himself. They had been allowed three weeks to prepare the charge, he but three days to prepare his defence: they relieved each other in turn; he was compelled, day after day, to stand for eight hours at the bar till his strength was totally exhausted; they had the aid of the most experienced lawyers; he was left to himself without the benefit of counsel. By many he was May 13. believed innocent: the lords acquitted him on two, but pronounced him guilty on four of the charges, and he was condemned to pay a fine of £50,000, to be imprisoned during pleasure, and to be forever excluded from parliament and from the verge of the court. However, his complaint of hardship, though useless to himself, proved service-May 28. able to others. The lords, aware that they might hereafter stand in his place, ordered, that in all subsequent impeachments, the accused should be furnished with copies of the depositions in his favour and against him, and that, at his demand, he should be allowed the aid of counsel learned in the law.‡

* "The king told the duke that he was a fool, and was making a rod for his own breech, and the prince that he would live to have his belly full of impeachments." Clarendon, i. 23.

† Journals of Commons, 768.

‡ Lords' Journals, 307—383. 418. The king had ordered sir Richard

The other great officer who had been threatened, was the bishop of Lincoln, lord keeper; but the petitions against him were suffered to lie dormant till the end of the session, when the committee reported to the house, that of those which had been examined, some were groundless, and the others furnished no matter for a criminal charge. He owed, however, his safety to his own prudence and humility. Of a less unbending disposition than Cranfield, he was no sooner aware of the danger, than he sought a reconciliation with the duke, solicited the intercession of the prince, made his submission in person, and received this cold yet consolatory answer, "I will not seek your ruin, though I shall cease to study your fortune." This was at the commencement of parliament: during its continuance chance threw in his way the opportunity of doing a service to Buckingham, which called for the gratitude, though it did not restore the affections of the offended patron.

Intrigue
against
Buckingham.

For three months the Spanish ambassadors, the marquess Ynoiosa and Don Carlos Coloma, had sought a private audience of the king, but were never permitted to see him unless in the company of the prince and Buckingham. At length Coloma contrived to withdraw their attention, while Ynoiosa placed a note in the hands of James, who immediately secreted it in his pocket.

April 21.

The consequence was, that the same evening the earl of Kelly clandestinely conducted to the royal apartment Carendolet, the secretary of the legation, who stated to the king in the name of the ambassadors, that he was a prisoner in his own palace, surrounded by spies and informers; that none of his servants dared to execute his orders or to give him their advice without the previous approbation of Buckingham; and that the kingdom was no longer governed by its sovereign, but by a man who, to gratify his own revenge, sought to draw his benefactor into an unjust and impolitic war. It happened that at this time the bishop of Lincoln kept in his pay the mistress of Carendolet. From her he heard of the

Weston to present to him any petition from the earl. On the 29th of May that nobleman gave Weston a petition for his enlargement: but he dared not present it till he had received instructions from Buckingham. See his letter in Cabala, 403. He next solicited the remission of the fine; it was lowered to 30,000*l*. So small a reduction surprised him, (*ibid.* 404.) He paid, however, 20,000*l*., and the rest was forgiven. *Depêches de D'Effiat apud Carte*, 132.

furtive interview between her lover and James, and immediately transmitted the information to the prince.*

Three evenings later Carendolet waited a second time on the king with a written statement, April 24. that Buckingham concerted all his proceedings with the earls of Oxford and Southampton, and those members of the commons who had been punished for their insolence at the conclusion of the last parliament; that for this purpose he was in the habit of meeting them at suppers and ordinaries, where he revealed to them the secrets of state, the king's private oath, and the important negotiation respecting Holland;† that it had been their joint determination, if James should oppose their designs, to confine him in a house in the country, and to conduct the government under the name of the prince as regent; and that the duke, with the hope of drawing the succession to the crown into his own family, proposed to marry his daughter to the eldest son of the Palatine, whose wife was next heir after Charles. James frequently interrupted him with broken sentences. There was, he owned, something suspicious in the conduct of the duke: yet no one had hitherto brought any charge against that nobleman, nor could he believe that either his son or his favourite sought to do him harm, or had sufficient power to resist his authority. His son, he said, had been formerly attached to Spain, but was now "strangely carried away by rash and youthful conceits, following the humour of Buckingham, who had he knew not how many devils in him since his return." The communication, however, made a deep impression on his mind. In the morning he appeared pensive and melancholy; though he took Charles with him in his carriage, he refused to admit the duke, and soon afterwards bursting into tears, he lamented that in his old age he was deserted by those on whom he had fixed his fondest affections.‡

* Buckingham thus expresses his discontent to James: "In obedience to your commands, I will tell the house of parliament, that you have taken such a fierce rheum and cough, as not knowing how you will be this night, you are not yet able to appoint them a day of hearing; but I will forbear to tell them that, notwithstanding of your cold, you were able to speak with the king of Spain's instruments, though not with your own subjects." *Hardwicke papers*, i. 460. The hearing to which he alludes was granted the next day, the 23d. *Lords' Journals*, 317.

† It is plain that in contemplation of the Spanish match, James had made to Philip, through Buckingham, a proposal respecting Holland, which he was most anxious to conceal from the public. *Hard. papers*, i. 405. 428.

‡ See *Cabala*, 276. Buckingham told the archbishop of Embrun, that the proposal of marriage came from the Palatine, and that the king was not averse. It was plain that Buckingham y penchoit fort. *Relation d'Embrun*, 364.

Defeated
by Wil-
liams.

By whose agency these feelings had been excited in the king was sufficiently known; but to unravel the plot, to discover the particulars of the intrigue, was reserved for the policy of Williams, "who felt himself panged like a woman in travail, till he should know the truth." To procure an interview with Carendolet, he ordered the arrest of a catholic priest, the intimate acquaintance of the Spaniard, who immediately came to intercede for his friend, and looking on the lord keeper as one whose safety depended on the ruin of Buckingham, solicited his aid in support of the project. At such a moment it was not difficult for Williams to worm the whole secret out of Carendolet. He transmitted the information to the prince, gave it as his advice, that he or the duke should never lose sight of the king, and added a written memorial in which he had carefully answered each of the charges advanced by the Spaniards.

The perusal of this paper, aided as it was by the remarks of Charles, shook, though it did not entirely remove, the suspicions of James. The next Sunday he entered

May 2.

the council chamber with a bible in his hand, swore all present to speak the truth, and commanded them to answer certain questions which he had prepared relative to the supposed designs of the duke.* They all assumed an air of surprise, and pleaded ignorance. Buckingham complained of the insult offered to his loyalty: but such was the agitation of his mind, that he fell into a fever, and was confined a fortnight to his chamber. The king pitied him, required the ambassadors to produce the names of their informers, and took their refusal for a complete justification of his favourite. Ynoiosa, however, assumed a bolder tone, he demanded an audience of the king; and when he was told that he must explain his mind to the ministers, asked for a ship to leave the kingdom. James was anxious to see him, but

June 18.

Charles and Buckingham objected: he departed without the usual presents, and on his arrival in Spain, found that an accusation had already been lodged against him by the English ambassador.†

August 5.

In his justification he maintained, that Carendolet had advanced nothing by his orders but what was true; that no

* On this subject Charles wrote to Buckingham, advising him to acquiesce in the king's design of interrogating the counsellors on oath. Hardwicke papers, 456.

† "So as to the great joy and exultation of all the coblers and other bigots and zealous brethren of this town, he this day comes to Ely house, and to-morrow to Dover." Strafford papers, fol. edition, i. 21.

credit ought to be given to those counsellors who pretended ignorance, because they were accomplices; and that he could mention several officers about the court both able and willing to prove the guilt of Buckingham, were they not silenced by the fear of his vengeance and the pusillanimity of the king. By the influence of his cousin Olivarez, he was restored, after a restraint of a few days, to the favour of his sovereign.*

The visible reluctance with which James had assented to the proceedings in the two houses, provoked a general suspicion that the duke held his power by a very precarious tenure.† Secure, however, of the support of the prince, and confiding in their united influence over the easy mind of the king, he despised the intrigues, and laughed at the predictions of his enemies. One of his chief objects after the rising of parliament, was to provide for the recovery of the Palatinate. Ambassadors hastened from England to one half of the courts in Europe, and arguments, promises, and presents were employed to raise up enemies against the house of Austria. 1. The long truce between Spain and the states had expired: war was already kindled in the Netherlands; and Buckingham seized the opportunity to conclude a defensive, but not offensive league, between the king of Great Britain and the seven united provinces. It was stipulated that in the case of foreign invasion, each of the contracting parties should be bound to aid the other, the king with an army of six, the states with one of 4000 men; and that at the conclusion of the war the expenses of the auxiliary force should be defrayed by that power which had enjoyed the benefit of its services. The news had just arrived of the massacre of the English factory at Amboyna, and the nation resounded with complaints against the avarice and the inhumanity of the Dutch; but, on the other hand, the Spaniards had already formed the siege of Breda, and Charles and Buckingham longed to engage in hostilities with Spain. The cry of vengeance was therefore suppressed, the treaty signed, and the aid of 6000 men immediately furnished.‡

Prepara-
tions for
war.

June 5.

* For this singular transaction, compare Hacket's Narrative, i. 195—197, with the letters in the Cabala, 13. 300. 348. and the despatches of Velarezzo, the Venetian ambassador, quoted by Carte, iv. 117.

† Strafford papers, i. 20.

‡ Clarendon papers, i. 21—25. Dumont, 458. The king of France aided them at the same time with money, 1,200,000 livres for the first, one million for the second, and the same sum for the third year, to be repaid in equal portions between the third and ninth year after the peace. Louis asked in return, that his subjects in Holland should have the free exercise of their religion. It was granted only within the house of his ambassador, and on the condition that no natives were present. Ibid. 463.

2. To the kings of Sweden and Denmark, and the protestant powers in Germany, the English envoys submitted the plan of a crusade for the depression of the catholic power in the empire. They made a strong appeal to the religion and the interest of these princes: and there were few who refused, on the promise of a liberal subsidy, to subscribe to the holy alliance. 3. Though the catholic states of France, Venice, and Savoy deemed it dishonourable to enter publicly into a protestant league against the professors of the same faith with themselves, their enmity to the house of Austria led them to contribute towards its success: and they privately engaged to distract, by the demonstration of hostilities, the attention of Spain, to furnish money towards the support of the army of the Palatine, and to allow auxiliary forces to be levied as volunteers in their own dominions. 4. Count Mansfield, a celebrated adventurer, and the chief prop of Frederic's declining fortune, came to England. Towards the

June 10. payment of his army, he obtained a promise of £20,000 per month; and as a reinforcement to his French and German mercenaries, 12,000 Englishmen were pressed into the service, and placed under his command. From Dover, where their excesses could be checked only by summary executions, these recruits sailed to Calais, and thence to the island of Zealand. But the crowded states of the transports, the inclemency of the season, and the want of provisions and accommodations on shore, generated a contagious disease, which carried off 5000 men in the course of a few weeks: and Mansfield, though he continued to advance in defiance of every obstacle, found his army, when he reached the Rhine, so weakened by sickness and the casualties of his march, that he was compelled to remain on the defensive.*

Of these warlike preparations the king had remained a silent and reluctant spectator: but he took a more lively interest in the new treaty of marriage, which had been set on foot to console him for the failure of that with Spain. When in the preceding year Charles and Buckingham passed through France, they had stopped a day in Paris, and had been admitted in quality of strangers to the French court, where they saw the princess Henrietta Maria at a ball. She

* Secretary Conway says, that the 12,000 were to be levied by "press." Hard. papers, i. 533. What is extraordinary, at the same time that these 12,000, and the other 6000 men, were raised in England to be employed against Spain and Austria, 1500 men were also raised by the lord Vaux to be employed in the service of the archdutchess, and consequently in their favour.

was the youngest daughter of the last king, in her fourteenth year, dark of complexion and short of stature, but distinguished by the beauty of her features, and the elegance of her shape.* At that time she seems to have made no impression on the heart of the prince: but afterwards, in proportion as his affections were estranged from the infanta, his thoughts reverted to Henrietta; and soon after his return to England, the lord Kensington was despatched at his request to her brother's court. He appeared there without any official character; but the object of his visit was understood, and he received from the queen mother assurance of a favourable result. As soon as James had dissolved the treaty with Spain,† the earl of Carlisle joined Kensington: both took the title of ambassadors; and the proposal of marriage was formally made. By the French ministers it was eagerly entertained: but aware that the king had fixed his heart on the match, and that the power of Buckingham depended on the success of the treaty, they gradually rose in their demands. It was agreed that the parties should be married in France after the same manner in which Henry IV. had been married to Marguerite de Valois; that on the arrival of the princess in England, the contract should be publicly ratified without any religious ceremony: that she and her servants should be allowed the free exercise of their religion as fully as had been stipulated for the infanta; that the children should remain under her care till they were thirteen years old; that her portion should be 800,000 crowns; and that she should renounce for herself and her descendants all right of succession to the crown of France. But, in addition, the cardinal Richelieu observed that it would be an affront to his sovereign, if less were conceded in favour of a French, than had been granted to a Spanish princess; and on that ground he required that every indulgence promised to the English catholics by the treaty of Madrid, should be secured by the treaty pending at Paris. This unexpected demand, after the orders so recently given to the judges, the oath taken by the prince, and the promise made to parliament by James, offered an almost insuperable difficulty. The negotiation was at a stand; different expedients were suggested, and refused; at last the French cabinet acquiesced, or seemed to Nov. 8. acquiesce, in the following compromise, that the

* See two descriptions of the princess by lord Kensington, Cabala, 312. Ellis, iii. 177. and Howell's Letters, 190.

† Cabala, 311—319. Philip, to the annunciation of this measure, replied, that he considered the treaty of marriage as still in force, in consequence of a private agreement between the prince and himself.

king of England, in a secret engagement, signed by himself, his son, and a secretary of state, should promise to grant to his catholic subjects greater freedom of religion than they could have claimed in virtue of the Spanish match, without molestation in their persons, or properties, or conscience.*

It is con-
cluded.
Nov. 12.

After this agreement both James and Louis signed the treaty. They had even ratified it with their oaths, when the French ministers raised an unexpected objection. The secret promise, they said, was conceived in general terms: it bound the king to no specific measure of relief: it left him at liberty to enlarge or restrict the indulgence at his pleasure. By the ambassadors at Paris this complaint was viewed as an attempt to re-open a negotiation which had been definitively closed. They expressed, in forcible terms, their surprise and indignation: they advised Buckingham to resist with spirit: they even ventured to foretel that the French court would recede from its pretensions, rather than forfeit the benefit of the marriage. But this to the king and his son appeared a hazardous experiment: they knew that the Spaniards were endeavouring to seduce, by the most tempting offer, the fidelity of Louis; and they shrunk from the disgrace of a second and more vexatious failure. Under such apprehensions, it was deemed best to submit to the imposition, and in the place of the former engagement were substituted the three following articles; that all catholics imprisoned for religion since the rising of parliament should be discharged; that all fines levied on recusants since that period should be repaid; and that for the future they should suffer no molestation on account of the private and peaceable exercise of their worship.†

Death of
James.

Thus had the king, after nine years of embassies and negotiations, apparently surmounted every obstacle to the marriage of his son with a princess of equal birth, and powerful kindred. The duke of Chevreuse was appointed by Charles his proxy, and the duke of Buckingham received orders to conduct the royal bride to England. Unexpectedly these arrangements were interrupted by a severe indisposition of the king. It was considered at first a tertian ague, afterwards the gout in the stomach; but whatever were the real nature of the disease, under his obstinacy in refusing medicine, and the hesitation or ignorance

* Hardwicke papers, i. 523—547. Lord Nithisdale, a catholic, was employed to aid the French ambassador in Rome, who solicited the papal dispensation. See a letter from him to Buckingham in Cabala, 332, and another from Buckingham to him in Ellis, iii. 179.

† Ibid. 547—561. Cabala, 320. Prynn, 72. Rushworth, i. 173.

of his physicians, it proved fatal. On the eleventh day he received the sacrament in the presence of his son, his favourite, and his attendants, with a serenity of mind and fervour of devotion which drew tears from the eyes of the beholders.* Early on the fourteenth he sent for his son: but before the prince could reach the chamber, the king had lost the faculty of speech, and in the course of a few hours expired, in the fifty-ninth year of his age, and the ^{1625.} ^{March 27.} twenty-third of his reign. Of his seven children, three sons and four daughters, two only survived him, Charles his successor on the throne, and Elizabeth the titular queen of Bohemia.†

James, though an able man, was a weak monarch. His quickness of apprehension and soundness of judgment were marred by his credulity and partialities, his childish fears and habits of vacillation. Eminently qualified to advise as a counsellor, he wanted the spirit and resolution to act as a sovereign. His discourse teemed with maxims of political wisdom, his conduct frequently bore the impress of political folly. If in the language of his flatterers he was the British Solomon, in the opinion of less interested observers he merited the appellation given to him by the duke of Sully, that of "the wisest fool in Europe."‡

His character.

* "Being told that men in holy orders in the church of England doe challenge a power as inhærent in their function and not in their person, to pronounce and declare remission of sins to such as being penitent doe call for the same; he answered suddenly, I have ever believed there was not power in you that be in orders in the church of England, and therefore I, a miserable sinner, doe humbly desire Almighty God to absolve me of my sinnes, and you, that are his servant in that high place, to affoord me this heavenly comfort. And after the absolution read and pronounced hee received the sacrament with that zeale and devotion, as if hee had not been a frail man, but a cherubim clothed with flesh and blood." His funeral sermon by Williams, Somers' Tracts, ii. 51. Edit. of 1809.

† Hardwicke papers, i. 562—566. Howell, 173. Laud's Diary, 15. The prayers read to James at his death by the bishop of Lincoln, are in Hearne's Titus Livius, 221—224.

‡ He was of a middle stature, more corpulent throghe his clothes then in his bodye, zet fatt enouch: his clothes euer being made large and easie, the doublets quilted for steletto prooffe, his breeches in grate pleits, and full stuffed. He was naturally of a timorous dispositione, which was the greatest reasone of his quilted doublets. His eyes large, euer roulling after any stranger cam in his presence, in so much as maney for shame have left the roome, as being out of countenance. His beard was wery thin; his tounge too large for his mouthe, and made him drinke wery vncomlie, as if eating his drinke, wich cam out into the cupe in each syde of his mouthe. His skin vas als softe as tafta sarsnet, which felt so becausee he neuer washt his hands, onlie rubb'd his fingers ends slightly with the vett end of nap-

The anomalies of his character may be traced to that love of personal ease which seems to have formed his ruling passion. To this we see him continually sacrificing his duties and his interests, seeking in his earlier years to shun by every expedient the tedium of public business, and shifting at a later period the burthen of government from himself to the shoulders of his favourites. It taught him to practise in pursuit of his ends duplicity and cunning, to break his word with as much facility as he gave it, to swear and forswear as best suited his convenience. It plunged him into debt that he might spare himself the pain of refusing importunate suitors, and induced him to sanction measures which he condemned, that he might escape from the contradiction of his son and his favourite. To forget his cares in the hurry of the chase, or the exercise of the golf; in carousing at table, or laughing at the buffoonery of those around him, seem to have constituted the chief pleasures of his life.

His conversation was eloquent but pedantic, interspersed with numerous oaths, and often disgraced by profane allusions. Though he was no admirer of female beauty, he is charged with encouraging the immoralities of Somerset and Buckingham: and the caresses which he heaped on his favourites, joined to the indelicacy of his familiar correspondence, have induced some writers to hint a suspicion of more degrading habits. But so odious a charge requires more substantial proof than an obscure allusion in a petition, or the dark insinuations of a malicious libeller.*

From his preceptor Buchanan, James had imbibed the maxim that "a sovereign ought to be the most learned clerk in his dominions." Of his intellectual acquirements he has left us abundant evidence: but his literary pride and self-sufficiency, his habit of interrogating others that he might discover the extent of their reading, the ostentatious display which he continually made of his own learning, though they won the flattery of his attendants and courtiers, provoked the contempt and derision of real scholars. Theology he considered as the first of sciences on account of its object, and of the highest importance to himself in quality of head of the church and defender of the faith. But though he was always orthodox, his belief was not exempt from change.

kin. His legs wer verrey weake, hauing had (as was thought) some foule play in his youthe, or rather before he was borne, that he was not able to stand at sein zeires of age; that weaknes made him cuer leaning one other men's shoulders." Balfour, ii. 108.

* See the note in Scot's edition of Somers' Tracts, ii. 488.

For many years his opinions retained a deep tinge of calvinism; this was imperceptibly cleared away by the conversation of Laud and Montague, and other high churchmen; and before the close of his reign he had adopted the milder, but contrary doctrines of Arminius. To the last he employed himself in theological pursuits: and to revise works of religious institution, to give directions to preachers, to confute the heresies of foreign divines, were objects which occupied the attention, and divided the cares of the sovereign of three kingdoms.*

Besides divinity there was another science with which he was equally conversant, that of demonology. With great parade of learning, he demonstrated the existence of witches, and the mischiefs of witchcraft, against the objections of Scot and Wierus; he even discovered a satisfactory solution of that obscure but interesting question, "why the devil did worke more with auncient women than others." But ancient women had no reason to congratulate themselves on the sagacity of their sovereign. Witchcraft, at his solicitation, was made a capital offence, and from the commencement of his reign there scarcely passed a year, in which some aged female or other was not condemned to expiate on the gallows her imaginary communications with the evil spirit.

Had the lot of James been cast in private life, he would have made a respectable country gentleman: the elevation of the throne exposed his foibles to the gaze of the public, and that at a time, when the growing spirit of freedom and the more general diffusion of knowledge, had rendered men less willing to admit the pretensions, and more eager to censure the defects of their superiors. With all his learning and eloquence, he failed to acquire the love or the esteem of his subjects; and, though he deserved not the reproaches cast on his memory by the revolutionary writers of the next and succeeding reigns, posterity has agreed to consider him as a weak and prodigal king, a vain and loquacious pedant.

* In the autumn of 1624, the archbishop of Embrun came to England by order of the king of France, and had several conferences with James and Buckingham respecting the treaty of marriage. In one of these, the king assured the prelate that he had nothing more at heart than to establish liberty of conscience in his dominions, and that for this purpose he had devised a meeting of English and foreign (probably French) divines to be holden at Dover or Boulogne, who should issue a declaration on which so important a concession might be founded. I think this is all that can be fairly concluded from the words of the king, as related by the archbishop, though he certainly inferred from them, that James wished to effect a reunion between the two churches, and to hold this theological assembly as a preparatory measure. See Relation de M. L'Arch. d'Embrun, subjoined to Deageant's Memoirs, 327—377.

CHAP. IV.

CHARLES I.

CONTEMPORARY PRINCES.

<i>Emperors.</i>	<i>Kings of France.</i>	<i>King of Spain.</i>	<i>Popes.</i>
Ferdinand II...1637. Ferdinand III.	Louis XIII...1643. Louis XIV.	Philip IV.	Urban VIII...1644. Innocent X.

THE KING'S MARRIAGE—HIS FIRST PARLIAMENT—UNSUCCESSFUL EXPEDITION AGAINST CADIZ—SECOND PARLIAMENT—IMPEACHMENTS OF BRISTOL AND BUCKINGHAM—WAR WITH FRANCE—DISGRACEFUL EXPEDITION TO THE ISLE OF RHE—THIRD PARLIAMENT—PETITION OF RIGHT—ASSASSINATION OF BUCKINGHAM—MINISTERS—LAUD, BISHOP OF LONDON—EXPEDIENTS TO RAISE MONEY—PEACE WITH FRANCE AND SPAIN—PROCEEDING IN FAVOUR OF THE PALATINE.

CHARLES was in his twenty-fifth year, when he ascended the throne. His accession caused no material alteration among the members of the council, or in the policy of the government. The world had seldom seen the same individual monopolise the favour of two succeeding monarchs: but Buckingham possessed the confidence of the son, as firmly as he had enjoyed that of the father. The death of James was even in his favour. The old king had begun to feel uneasy under his control: but Charles listened to his counsels with the credulity, and clung to his interests with the obstinacy of youth.

The first question which claimed the attention of the new monarch was the match with France: and on the third day after the decease of his father, he ratified as king the treaty, to which he had formerly subscribed as prince. The duke of Chevreuse, his kinsman of the house of Guise, was a second time appointed to act as his proxy: the cardinal of Rochefoucault performed the marriage ceremony on a platform erected before the great door of the

The king's
marriage.
1625.
March 30.

May 1.

-cathedral of Paris;* and the duke of Buckingham hastened to that capital with a numerous retinue to bring home the royal bride. Seven days were spent in rejoicings for an event, which was supposed to have cemented an eternal union between the two crowns. The queens, Mary of Medici, and Anne of Austria, accompanied Henrietta from her brother's court.† At Dover she was received by Charles at the head of the English nobility: the contract of marriage was publicly renewed in the great hall in Canterbury; and the royal couple repaired without delay to the palace of Hampton court.‡ Their solemn entry into the metropolis was prevented by the ravages of a contagious malady, the most destructive, so it was asserted, in the memory of man.§

Charles had little leisure to attend to the entertainment of his young queen. The day after their arrival he met his first parliament, and submitted the state of his finances to its consideration. The supply granted to his father had not covered the moiety of those charges, for which it had been voted: James had bequeathed to his successor personal debts amounting to seven hundred thousand pounds: and the accession and marriage of the new king had involved him in extraordinary, though necessary expenses. It was, however, with cheerfulness and confidence that he threw himself on the bounty of his subjects. To him those objections did not apply, which had always been opposed to the pecuniary demands of the late monarch. It could not be said of him, that he had wantonly plunged himself into debt; or that he had squandered among his minions the revenues of the crown; or that he had awakened the jealousy of the people by preaching up the claims of the prerogative. The money which he solicited was

He calls a
parliament.

* See the French account of the ceremony in Somers' Tracts, iv. 95.

† The queen mother had intended to accompany her daughter to England. Her health not permitting it, she wrote to Charles from Amiens as follows: "J'estime ma fille heureuze, puis qu'elle sera le lien et le cement pour l'union de ces deux couronnes, et je l'estime doublement heureuze, non seulement pour ce qu'elle espouse un grand roi, mais une personne come la votre. Je vous la recommande comme la creature du monde qui m'est aussi chere, et prie Dieu de tout mon cœur qu'il vous benisse tous deux." Rymer, xviii. 116.

‡ As both catholics and protestants considered marriage a religious rite, the former would have been shocked if Henrietta had received it from a protestant, the latter if Charles had received it from a catholic minister. The reader will observe, that by the arrangement adopted, both inconveniences were avoided.

§ In Mead's letters to Stuteville, the weekly deaths in London increase in an alarming manner, from 640 to 942, 1222, 3583, July 30. Ellis, iii. 203. 205. 207. 209.

required to carry into execution the vote of the last parliament: those who had advised the war, could not reasonably refuse the funds, without which it was impossible a war should be maintained.

There was, however, much in the state of the public mind to damp the ardent expectations of the king. In the upper house there did not, indeed, exist any formal opposition to the court; but many of the lords looked with an evil eye on the ascendancy of Buckingham, and were ready to vote for any measure which, by embarrassing the government, might precipitate the fall of the favourite. Their real but unavowed head was the earl of Pembroke; and we may perhaps form a pretty correct notion of the strength of the two parties, by adverting to the number of proxies entrusted to their leaders. If Buckingham had thirteen, Pembroke could boast of ten.*

In the commons, the saints or zealots formed a most powerful phalanx. Austere to themselves, intolerant to others, they sought to reform both church and state, according to their peculiar notions of scriptural doctrine and scriptural practice. They deemed it the first of their duties to eradicate popery, which, like a phantom, haunted their imaginations by day and night; wherever they turned, they saw it stalking before them; they discovered it even in the gaieties and revelries of the court, the distinction of rank in the hierarchy, the ceremonies of the church, and the existence of pluralities among the clergy. Their zeal was always active: but of late it had been fanned into a flame by the publications of Dr. Montague, one of the royal chaplains. Montague, in a controversial argument with a catholic missionary, had disowned many of the doctrines imputed to him by his adversaries. They were, he said, the doctrines of Calvin, not those of the established church. The distinction gave great offence. Yates and Ward, two puritan ministers, prepared an information against him to be laid before the parliament, and Montague "appealed to Cæsar" in a tract dedicated to the king. This proceeding raised the indignation of his enemies to the highest pitch; they pronounced him a concealed papist, whose object was to introduce popery; they suspected that he was encouraged by promises of support from several of the prelates, perhaps, from Charles himself, and they sought his punishment with as much eagerness and pertinacity, as if on it alone depended the very existence of the reformed faith.

The zealots generally fought under the same banner, and on most questions made common cause with the members

* Journals, iii. 431.

of the country party, who, whatever might be their religious feelings, professed to seek the reformation of abuse in the prerogative, and the preservation of the liberties of the people. The perpetual conflict between authority and conscience during the late reigns, aided by the more general communication of political knowledge, had emboldened men to prefer principle to precedent, to dispute the propriety of usages which were defended only because they existed, and to condemn as an abuse in the crown, whatever seemed incompatible with the rights of the people. The advocates of these doctrines easily obtained seats in the lower house; and as experience had shown that their real strength consisted in the control of the public purse, they had come to a resolution to oppose every grant of money to the sovereign, which was not coupled with the abolition of some national grievance, or the renunciation of some arbitrary and oppressive claim.

What rendered the union of the two parties more formidable, was the specious colour given to their pretences. They combated for pure religion and civil liberty: to oppose them was to court the imputation of superstition and of slavery. Hence the very servants of the crown dared not meet them fairly; they gave them credit for the uprightness of their motives; they professed to have in view the attainment of the very same objects; they confined their opposition to the manner rather than the substance, and sought to retard the progress of the reformers by raising up collateral difficulties, and predicting future but imaginary evils.

It is true that Charles had acquired the favour of the last parliament; but after its prorogation his popularity had rapidly declined. If he had refused one popish princess, he had substituted another: if he swore to grant nothing more to his future wife than the private exercise of her religion, he had within a few months violated his oath by promising in her favour toleration to all the catholics in his dominions. Hence it was concluded, that the king had no settled notions of his own; that he was a mere tool in the hands of Buckingham, who had assumed the mask of patriotism during the last year, for the sole purpose of gratifying his resentment against Spain.

The session was opened with a gracious speech from the throne; but, though it had been customary to give credit to the professions of a new sovereign, nothing was heard among the commons but the mishodings of fanaticism and the murmurs of distrust. The king, at the request of the two houses, had appointed a day of public

Proceedings of parliament at Westminster.

June 18.

June 21. humiliation, fasting and prayer: they anticipated it by a week, that they might give the example to the rest of the nation. They assembled in the church of St. Margaret; they listened with the most edifying patience to four long and impassioned sermons, and they returned in a body the next day to receive the sacrament. The first fruit of their devotion was, what they termed "a pious petition," in which they conjured the king, as he valued the advancement of true religion, as he disapproved of idolatry and superstition, to put in immediate execution all the existing laws against catholic recusants and missionaries. At no time could such an address have proved more unwelcome to his feelings. He had just married a catholic princess: he had bound himself by treaty to grant indulgence to her brethren of the same faith, and his palace was crowded with catholic noblemen, whom he had invited from France to do honour to his nuptials; but prudence taught him to subdue his vexation, and he returned a gracious and satisfactory answer.*

From the catholics the commons turned their attention to the theological works of Dr. Montague. In them a committee discovered, or pretended to discover, much that seemed in opposition to the articles and homilies: his appeal to Cæsar was voted a contempt of the house, and the unfortunate divine was ordered to be taken into custody by the serjeant-at-arms. Charles dared not resent what he deemed

July 9. an encroachment on his ecclesiastical supremacy; he even condescended to request that, since Montague was his servant, one of his chaplains in ordinary, the punishment of the offence might be referred to himself. But the favour was refused, and the prisoner gave bail for his appearance in the sum of 2000*l*.†

The third subject of their consideration was the state of the king's finances. He showed, that the charges for the equipment of the navy alone had amounted to 300,000*l*.; they refused to grant him more than two subsidies, about one half of that sum, for the whole expense of the war: his predecessors, ever since the reign of Henry VI., had received the duties of tonnage and poundage for life, they voted the same to him, but limited the duration to the first year of his reign. Charles received the intelligence with surprise and indignation; but it was too late to recal their attention to the subject; more than twelve hundred persons had died of the mortality

* Lords' Journals, 435. 441. 448. 460. Commons', June 21, July 6. 8, 9. To avoid confusion, I shall hereafter refer to the page for the journals of the lords; to the day for those of the commons.

† Journals, July 7. 9. Bibliotheca Regia, 206.

in the last week, and the parliament was adjourned by commission, to meet again, after a short recess, in the city of Oxford.

July 11.

At Oxford it sat but a few days; and they were days of angry debate, and mutual recrimination.

At Oxford.
Aug. 1.

Charges of perfidy were exchanged between the opponents and the advocates of the court. The king, it was said by one party, had promised to put in execution the penal laws against the catholics, and yet in the face of that promise had granted pardon to eleven priests under prosecution for capital offences;* the two houses, it was retorted by the other, had pledged their word to support the late monarch with their fortunes, if he would break the treaty with Spain, and now they refused the supplies required by their own votes. Charles asked at first for two subsidies and fifteenths; he descended to the trifling sum of 40,000*l.*: but the commons replied, that, though they had heard much of the war, they still remained ignorant who was the enemy; that to grant subsidies, which must be raised in subsequent years, was to impose upon others the burden which they ought to bear themselves; and that if 40,000*l.* would suffice for the present necessity, the money might easily be raised by loan without the aid of parliament. Buckingham undertook, in a conference between the two houses, to account for the demands, and to explain the intentions of the king; but he only provoked the malice of his own enemies, who censured his youth and inexperience, charged him with neglect of his duty as lord admiral, and complained of the ambition which led him to unite in his own person so many high offices, the obligations of which were incompatible with each other. Charles was more alive to the interests of his favourite than to his own. The infection had introduced itself into Oxford; and, to save the duke from impeachment, he made use of that pretext to dissolve the parliament.†

Aug. 12.

It was not the character of the king to be diverted from his purpose by opposition. He had not yet declared war; the object of his military preparations had been kept secret; and, as he could not obtain pecuniary aid from his subjects, he was still free to remain at peace with his neighbours. But imme-

Expedition
against
Cadiz.

* It was replied that the pardon had been promised before, though it was signed after the adjournment; and as a kind of satisfaction, the king ordered the petition of the two houses, with his answer annexed, to be entered on the rolls of parliament. Journals, 477. 479.

† Journals, 467—489. Commons, Aug. 1. Aug. 12.

diately after the dissolution Buckingham repaired to Plymouth to hasten the expedition, while Charles assumed the task of raising money to defray the expense. To this purpose he devoted every shilling which he could procure by terror, or entreaty, or retrenchment; the duties on merchandise were levied, though the bill had not been passed by the house of lords;* privy seals were issued to the more opulent of the nobility and gentry: the payment of all fees and salaries was suspended; and to such a state of destitution was the royal household reduced, that, to procure provisions for his table, the king was obliged to borrow 3000*l.* of the corporations of Salisbury and Southampton, on the joint security of the lord treasurer and the chancellor of the exchequer.†

At length, in the month of October, this mysterious expedition, consisting of ninety sail, and having on board an army of 10,000 men, left the harbour of Plymouth, under sir Edward Cecil, now created lord Wimbledon, a general officer, who, though he had grown gray in the service of the states of Holland, was pronounced by the public voice unequal to so important a command. Its destination was Cadiz, and had it been directed by an officer of more decisive character, the shipping in the harbour might have been surprised. The troops, however, were landed; the fort of Puntal capitulated, and a rapid march was made towards the bridge of Suazzo, to intercept the communication between the Isla and the continent. But the men discovering on their march several cellars stored with wine, indulged to excess: their insubordination alarmed the feeble mind of the commander; and though no enemy had appeared, he led them back with precipitation to the fleet. By the next article of his instructions he was ordered to intercept a rich convoy of Spanish merchantmen from the West Indies. It passed him unobserved during the night; and after a fruitless cruise of seventeen

Dec. 8. days, he returned to Plymouth, with the loss of more than a thousand men, not from the swords of the enemy, (for he had seen none,) but from the ravages of a pestilential disease, which did not spare a single ship in the fleet. To Charles, who had indulged in dreams of victory and plunder, this disgraceful result was a source of the keenest anguish; he ordered an inquiry; the council examined the commander-in-chief and his inferior officers; but their

* It was read a first time (Journals, 463.) and then neglected. The king was unwilling to receive the duties for a year only, and the lord keeper Williams prevented the second reading. Hackett, ii. 17.

† Sydney papers, ii. 363. Rymer, xviii. 181. Rushworth, i. 196, 197.

statements were discordant, their complaints reciprocal; and after a long investigation, it was deemed expedient to bury the whole matter in silence.*

While Buckingham governed the king, he was governed in his turn by lord Kensington, lately created earl of Holland. With this nobleman in his company he sailed to the Hague, taking with him the crown plate and jewels, on the security of which, it was calculated, he might raise 300,000*l*.† A treaty offensive and defensive had been already concluded with the states: he negotiated a second with the king of Denmark, who engaged on the payment of a monthly subsidy by Charles, and of another by the united provinces, to maintain in the field an army of 36,000 men. Thence Buckingham prepared to proceed to Paris, but was deterred by an unwelcome message from Richelieu, that his presence in that capital would not be tolerated. Holland and sir Dudley Carleton were substituted in his place: and the tenor of their instructions shows, that the recent marriage had not created a very friendly feeling between the two courts. They received orders to demand the restoration of certain ships formerly lent to the French king, and to mediate a peace between him and his revolted subjects, the French protestants. If a new alliance should be proposed, they were neither to accept nor refuse it; but in the mean time to hold secret communication with the protestants in arms, to assure them of protection from England, whenever it might be necessary, and to inquire what forces they could raise, if Charles were to engage in war on their account. It is plain that the king already meditated hostilities against France; but the design was defeated by the policy of Richelieu, who made peace with the insurgents, promised to restore the ships which had been borrowed, and offered to send an army into Germany, provided the English monarch would do the same.‡

Foreign
treaties.

Dec. 9.

* Rushworth, i. 195. Howell's Letters, 185. Whitelock, 2. Wimbledon says, that he accepted the command with reluctance; that he foretold the event, and that he acted in opposition to his own judgment, but in obedience to that of the king. Cabala, 404—406.

† Rymer, xviii. 236—240. Strafford papers, i. 28. Sydney papers, ii. 360. "My lord of Holland governs my lord of Buckingham, and so the king. The passages of this place are not fit for letters." Earl of Pembroke, *ibid*. 361.

‡ Clarendon papers, i. 27. Rymer, viii. 256. Dumont, v. 478. 482. Journals, Apr. 18, 1626. Hardwicke papers, ii. 6.

Prepara-
tions for the
meeting of
parliament.

At home the king felt himself at a loss how to proceed in regard of his catholic subjects. The secret treaty in their favour, to which he had sworn at his marriage, was in direct contradiction to his previous protestations, and to his late answer to the parliament. But Charles was always influenced by present convenience, and as the lesser evil, he determined to violate the treaty. The magistrates received orders to watch over the strict execution of the penal laws; a commission was appointed to levy the fines due by the catholics, and to apply them to the charges of the war; and a succession of proclamations enjoined all parents and guardians to recal their children and wards from seminaries beyond the sea; all catholic priests to quit the kingdom against a certain day; and all recusants to deliver up their arms, and confine themselves within the circuit of five miles from their respective dwellings. The king of France remonstrated by an extraordinary ambassador; he insisted on the faithful observance of the treaty; but Charles had pledged his word to call a parliament after Christmas, and he dared not face his opponents, until he had carried into effect the prayer of their petition.*

As that term approached the king laboured to break the strength of the opposition in both houses. The earl of Pembroke submitted, at the royal command, to seek a reconciliation with the favourite; the distant and scornful behaviour of the sovereign admonished the earl marshal of the offence which he had given; and the lord keeper received an order to surrender the great seal, which was bestowed on the attorney-general, sir Thomas Coventry. It was not that Williams had been wanting in servility of demeanor, or protestations of attachment: but his former offence had not been forgotten; the merit of his present services was balanced by the discovery of his intrigues with the country party; and it was deemed best to deprive a man, whose abilities were feared as much as they were prized, of the power of doing harm, by removing him from office, and marking him out for the object of future vengeance.†

* Rym. xviii. 179. 228. 267. Sydney papers, ii. 365. Strafford papers, i. 28. Hardwicke papers, ii. 4. 7. Rushworth, 196. 198. 202. See also the letter from the king to the archbishops, those of the archbishops to the bishops, and their circulars to the chancellors and archdeacons, ordering them to proceed against recusants in the spiritual courts, and return into the chancery the names of all the recusants in each diocese. *Bibliotheca Regia*, 12—16.

† Strafford papers, i. 28. Sydney papers, ii. 364, 365. Hackett, ii. 16—18.

With a similar view the king adopted an extraordinary expedient to withdraw the most efficient members of the opposition from the house of commons. When the judges presented to him the list of sheriffs for the ensuing year, he struck out several of the names, and in their place substituted those of seven individuals, who had distinguished themselves by their hostility to Buckingham in former parliaments.* The artifice was too gross to escape detection; and it served in the result to hasten that impeachment, which the king sought to prevent. The new sheriffs could not indeed sit as members; but their friends looked on their exclusion as an unpardonable abuse of power, and longed for an opportunity of visiting it upon the head of the man, to whose counsels it was attributed. Nov. 13.

At Candlemas the king was crowned,† and four days later he met the new parliament. The first care of the commons was to appoint a committee of religion, a second of grievances, and a third of evils, causes, and remedies; committees, the very names of which disclosed the temper and aim of the leading members. 1. The committee of religion resumed the subjects of popery, and of the religious opinions of Dr. Montague. Under the

Complaints
by the com-
mons.

* They were sir Edward Coke, sir Thomas Wentworth, sir Francis Seymour, sir Robert Philips, sir Grey Palmer, sir William Fleetwood, and Edward Alford. Coke, from his legal knowledge, gave the king considerable trouble. He refused to be sworn, and tendered to the judges four exceptions against the sheriff's oath. Three were rejected as frivolous; they admitted the fourth, that the clause binding the sheriff "to destroy and make to cease all heresies, and errors, commonly called lollardies, within his bailwick," was in opposition to the statutes establishing the reformed church, because several of her doctrines were the same as those formerly called lollardies. But Charles ordered the clause to be struck out, and Coke took the oath. (Rush. i. 201. 202.) It was next suggested that, though the sheriffs could not be returned for places within their respective shires, yet they might sit as the representatives of other counties or boroughs. Wentworth was unwilling to adopt an expedient, which might bring him into collision with the royal authority, (Strafford papers, i. 30, 31.) but Coke was less timid; he accepted a seat for the county of Norfolk, and the question of his eligibility was repeatedly discussed in the house of commons. The weight of precedent appeared to be against him: but his friends had sufficient influence to prevent an unfavourable decision; and, though he did not take his seat, he was suffered to enjoy all the other privileges of a member. Journals, Feb. 10. 27. June 9, 1626.

† Two things were remarked on this occasion. When the people were called upon to "testify by their general acclamation their consent to have Charles for their sovereign, they remained silent, till the earl marshal told them to shout;" and the unction, that it might not be seen, was performed behind a traverse by archbishop Abbott; whence, as notwithstanding his absolution by king James, he was still thought irregular by many, considerable doubts were raised of the validity of the coronation. See the letter of D'Ewes, in Ellis, iii. 214.

pretext that most of the calamities which oppressed the nation sprung from the increase of popery, it was resolved to enact laws of additional severity against the professors of the ancient creed: schoolmasters were summoned from the most distant parts to answer interrogatories respecting their own sentiments and those of their scholars; and every member in the house was successively called upon to denounce all persons in authority or office, who to his knowledge were suspected, or whose wives or children were suspected, of any secret leaning to the catholic worship.* Against Dr. Montague a charge was prepared to be presented to the house of lords. He had been guilty of the heinous crimes of acknowledging the church of Rome to be a true church, and of maintaining that the articles in dispute between her and the church of England, were of minor importance. The king, notwithstanding the entreaties of bishop Laud, resolved to leave the obnoxious divine to his fate; he was saved by the intervention of matters of greater interest, and the sudden dissolution of the parliament.† 2. The committee of grievances, after a tedious investigation, denounced to the house sixteen abuses, as subversive of the liberties of the people. Of these the most prominent were the practice of impositions, which had been so warmly debated in the last reign; that of purveyance, by which the officers of the household collected provisions at a fixed price to the distance of sixty miles from the court; and the illegal conduct of the lord treasurer, who persisted in levying the duties of tonnage and poundage without authority of parliament. It was urged in his vindication that for centuries they had formed part of the annual income of the crown: but the opposition members replied, that if the king could impose one tax by virtue of the prerogative, he might equally impose others: the consent of parliament would no longer be requisite; and the property of the subject would be placed at the arbitrary disposal of the sovereign.‡

Charles, who watched these proceedings with impatience, reminded the house of his wants, and received in return a promise of three subsidies and fifteenths, as soon as he should give a favourable answer to their prayer for the redress of grievances. His pride spurned the condition. He advised them to hasten and augment the supply, or "else it would be worse for themselves:" he repeated the menace, he wrote to the speaker, he reprimanded the house in the presence of the

* Journals, Feb. 15. 21. Mar. 7. 9. May 3. 11. 23. June 6, 1626.

† Ibid. Mar. 17, 19, 20. June 14.

‡ Journals, Ap. 27. May 24. June 8.

lords; and at last extorted the vote of an additional subsidy. But by this time the committee of evils, causes, and remedies, had discovered that, as the duke of Buckingham was the real "cause," so his punishment would be the great "remedy" of the national "evils:" and under this impression a resolution was taken to impeach him before the upper house of sundry high crimes and misdemeanors.*

It argues an unusual want of prudence, a dangerous obstinacy of character, in the king, that while he was thus at open war with the commons, he wantonly provoked, and unwisely prolonged, another and useless quarrel with the upper house of parliament. The reader is aware that he was already offended with the conduct of the earl marshal. Lord Maltravers, the son of that nobleman, privately married a daughter of the duke of Lennox. The royal license had not been asked: the apology of the earl, that the match was clandestinely concerted between the mothers of the parties, was not admitted; and Arundel, in virtue of a royal warrant, was arrested and conveyed to the Tower. The king attributed it to his good fortune that he was able at this particular moment

May 8.
Question of
privilege.

to exclude from parliament a peer, whose hostility to the favourite was avowed, and who being intrusted with no fewer than six proxies, might have proved a most dangerous adversary. To his surprise and confusion, the lords voted the imprisonment of the earl, pending the session, an infringement of their privileges; and they presented address after address, soliciting his immediate release. Charles returned evasive answers; he sent the attorney general to plead in favour of his prerogative; he described the conduct of the earl marshal as personally offensive to himself and dangerous to the state. But

May 13.

May 13.

the lords refused to yield: they passed a resolution to suspend all other proceedings till their colleague had again taken his place; and after a contest of three months, they triumphed over the pride and reluctance of the king. Arundel was set at liberty, and resumed his seat amidst the loud congratulations of the house.†

June 8.

* Journals, Mar. 10. 20. 27. April 13. 20. May 2. 8. Rushworth, i. 218—230.

† Journals, 526. 528. 552. 558. 562. 564. 566. 580. 581. 594. 630. 650—655. From this number of references the reader may judge of the spirit and perseverance of the lords. The privilege which they claimed, was freedom from arrest, unless in cases of felony or treason.

Bristol accused of treason.

But the duke had another enemy to fear, one who, though he could not boast of equal influence with the earl marshal, had it in his power to inflict a deeper wound on his character. The reader will recollect the fallacious statement by which Buckingham with the prince standing at his side, had induced the two houses to break the Spanish treaty. From that moment they had lived in continual terror of the disclosures, which might some day be made by the earl of Bristol: the moment he arrived from Spain, he was put under restraint; he was forbidden to appear at court, or to attend his duty in parliament; and the royal displeasure was extended to all, who ventured to pay him even a casual visit in his retirement at Sherburne.* Bristol, however, was not of a character to bend to oppression: he refused to sign the submission proposed to him by the favourite; he watched with patience the growing discontent of the nation; and, when he had ascertained the strength of the opposition in both houses, complained to the peers, that in violation of their common privilege, his writ of summons to parliament had been unjustly withheld. Charles immediately ordered the writ to be issued; but with it Bristol received a letter forbidding him to avail himself of it, under pain of the royal displeasure. This he forwarded to the house; soliciting advice in a case which might hereafter be that of any other peer, and demanding permission to accuse, in his place, of high crimes and misdemeanors, the man who, that he might elude the punishment which he deserved, had for two years deprived another of his liberty and rights. This bold proceeding alarmed both the king and the duke: a new expedient was adopted to silence the accuser; and the next day the attorney general charged Bristol himself with high treason at the bar of the house. The lords perceived and defeated the artifice: they ordered that each cause should be heard in succession; and that the charge against the earl should not be held to prevent, prejudice, or impeach his testimony.†

He accuses the duke.

The articles which he exhibited against Buckingham, and which he pledged himself to prove by written documents and undeniable testimony, affected the moral as much as the political character of that nobleman. They accused him of having conspired with Gondomar to draw the prince by false information into

* See Sydney papers, ii. 360. 364.

† Journals, 537. 544. 563. 567, 578.

Spain, that he might there change his religion before his marriage with the infanta: of having, while he resided in the Spanish court, disgraced himself and his country by his contempt of decency, and the profligacy of his amours;* of having broken off the treaty of marriage solely through a spirit of resentment, because the Spanish council, dissatisfied with his misconduct, had refused to continue the negotiation with so dissolute a minister; and of having, at his return, deceived both his sovereign and the parliament by falsehood and misrepresentation. What answer Buckingham would have made to these charges we know not: the parliament was dissolved before he attempted to defend himself: but that he should allow them to remain without denial on the journals, seems to argue a consciousness that his conduct could not bear investigation.†

The charge of treason brought by the king against Bristol, when it was divested of the high-sounding language in which it had been clothed by the attorney-general, dwindled into comparative insignificance. It is stated that the earl, in violation of his duty as an ambassador, had falsely assured the late monarch of the sincerity of the Spanish cabinet; that he had indirectly, at least, concurred in the plan of inducing the prince to change his religion; that he had sought to force the marriage upon him, by seeking to deliver the procuration to Philip; and that in his letter to the lords he had given the lie to his sovereign, by terming that statement false, which Charles had vouched to be true. These charges gave to Bristol that which he had so long sought, the opportunity of vindicating his conduct. His answer, which was entered on the journals, appears full and satisfactory.‡

Bristol's
answer.

May 6.

May 19.

* This is the charge: "as for the scandal given by his personal behaviour, as also his employing his power with the king of Spain for the procuring of favours and offices, which he conferred on base and unworthy persons for the recompense and hire of his lust, these things, as neither fit for the earl of Bristol to speak, nor indeed for the house to hear, he leaveth to your lordships' wisdoms how far it will please you to have them examined." Journals, 577.

† Journals, 576. 669. Bristol also exhibited articles against lord Conway, whom he represented as the creature of Buckingham. He charged him with acts of oppression: Conway replied, that whatever he had done, was by order of the king. Ibid. 676.

‡ Ibid. 582. 632.

The duke
is impeach-
ed by the
commons.

May 8.

If Buckingham neglected to notice the articles exhibited against him by the earl, he attributed the delay to the necessity imposed on him of answering a charge of still greater importance.

In defiance of the royal prohibition, the commons had impeached him before the lords, and had comprised his offences under thirteen heads: that he had purchased for money and had united in his own person, several of the highest offices in the kingdom; had diverted to his own use the revenue of the crown; had raised his indigent kindred to wealth and honours; had suffered the trade of the country to fall to ruin by his negligence; had provoked the king of France to make reprisals on the merchants, by unjustly detaining a French ship for his own profit; had extorted 10,000*l.* from the East India Company; had lent a squadron of English ships to be employed against the French protestants; and had presumed to administer medicine to the late king, without the approbation of the physicians.* Sir Dud-

May 8.

ley Digges opened the charge; it was continued by six other members; and sir John Elliot, having compared Buckingham to Sejanus in lust, rapacity, and ambition, concluded with this exclamation, "My lords, you see the *man*. By

May 10.

him came all these evils: in him we find the cause; on him we expect the remedies."†

Two of the
managers
imprisoned.

A report had been carried to Charles that the two managers, in allusion to the last of the articles, had thrown out a hint that Buckingham was but the inferior agent; a more illustrious personage had been the chief conspirator against the life of the late monarch.

May 11.

In a transport of passion, he ordered Digges and Elliot to be committed to the Tower: and hastening the house of lords, called on them to vindicate the character and privileges of their sovereign. He had borne in patience the imputations on the duke, though he could "be a witness to clear him in every one of the articles:" but he would suffer no one to insinuate of him-

* This fact was represented by the enemies of the duke as the cause of the king's death. But if we may believe him, it passed in this manner: The king, understanding that the earl of Warwick's physician had prescribed for Buckingham "a plaster and a posset drink," when he was ill of the ague, ordered John Baker, one of the duke's servants, to procure the same for him. They were brought while Buckingham was absent. At his return, James ordered him to give him the posset drink, which he did in the presence of the physicians, who made no objections. *Lords' Journals*, 662.

† *Lords' Journals*, 618.

self with impunity, that *he* had been privy to the death of his father. The commons, on the other hand, demanded justice for the imprisonment of the two members, and refused to proceed to any business till they should be discharged. In a few days the king's anger cooled: he was persuaded to yield; and both houses declared that they had heard none of the words, the report of which had given such heinous offence.*

May 19.

But at the same time the death of the earl of Suffolk afforded him an opportunity of triumphing over the enemies of his favourite. The chancellorship of the university of Cambridge became vacant; and a royal mandate proposed Buckingham as successor to Suffolk. The heads promised obedience: the younger members put in nomination the earl of Andover. After a severe contest the duke carried his election by the small majority of three. The commons voted it an insult offered to their house; they resolved to inquire into the proceedings; and had prepared an answer to a prohibition from the king, when the dispute was suddenly terminated by the dissolution of parliament.†

The duke made chancellor of Cambridge

May 28.

June 1.

If Charles had allowed it to sit so long, his only object was that Buckingham might have leisure to prepare his answer with the assistance of sir Nicholas Hyde. He divided the charges into three classes: some he pronounced to be unfounded in fact, the groundless calumnies of his opponents: some, he affirmed, did not affect *him*: they referred to the personal acts of the last, or of the present king: and of others, he contended that a sufficient justification would be found in the orders of the sovereign, or the advice of the judges. To one he pleaded guilty, the purchase of the wardenship of the cinque ports, but thought it might be excused on the ground of public utility: with respect to another, the delivery of the ships to the officers of the French king, he appeared to falter: not that he was unable to prove the innocence of his conduct, but that it was imprudent to disclose the secrets of the state.‡ This answer was calculated to make a strong

His defence.

June 8.

* Ibid. 592. 627. Commons, May 12, 13, 15, 16, 17, 19, 20. Carleton's Letters, xxxvii.—xlv. Rushworth, i. 364.

† Ellis, iii. 228—235. Journals, June 5, 6, 7. Biblioth. Regia, 235.

‡ The following is the best account which I have been able to collect respecting this very extraordinary transaction:—The Spaniards, to revenge themselves on the French cabinet, which had aided the protestants of the low countries against them, entered, in October 1624, into a secret treaty

impression on the minds of the lords. It placed the conduct of the duke in a most favourable light, and represented him as a faithful but injured servant, the victim of unmerited suspicion and calumny. The commons announced

June 11. their intention of replying: but the king refused to allow them the opportunity. Aware of his intention, they hastily prepared a long and energetic remonstrance, repeating their charges against the favourite, and requesting that he might be removed from the royal presence.

But Charles, before it was presented, signed a commission for the dissolution of the parliament, and to the prayer of the lords for a short delay, replied with impatience; "No, not of one minute." The earls of Arundel and Bristol were immediately placed under confinement, the former in his own house, the latter in the Tower.*

Expedients
to raise money.

The proceedings of this session had kept the king in a state of continual irritation: its dissolution left him to struggle with his pecuniary difficulties, which were daily multiplied by the de-

with the duke of Rohan and the prince of Soubize, the leaders of the French protestants against the king of France. Soubize, sailing unexpectedly from Rochelle, surprised the isle of Rhé, and captured at Blavet a ship of eighty guns. Louis immediately applied to the king of England, and the states of the united provinces, for maritime aid, and both agreed to supply the number of ships to which they were bound by treaty,—the king eight, the Hollanders twenty. For this purpose Charles pressed seven merchantmen into his service, and placed them under the command of Pennington, in the Vanguard, a ship of war. They were next transferred by contract to the service of France; but the men understanding at Dieppe that it was intended to employ them in an expedition against Rochelle, refused to fight, and returned to the Downs. They were twice sent back, and Pennington received a warrant from the king to sink any ship that might attempt to escape. One, however, returned; the others, being manned by Frenchmen, were employed, and restored at the termination of the war. The offence said to have been committed by the duke was, that he, as high admiral, had lent English ships for the purpose of opposing the protestants. The answer given by his friends, and by himself, was, that he and the king had been deceived:—they knew not of the intention of the French cabinet; they supposed that the ships would have been employed against Genoa. That this allegation was false, is evident from the whole tenor of the transaction, from the unwillingness of the duke to give an explanation, from a passage in his letter, dated Paris, May 30th, 1625: "the peace with them of the religion depends upon the success of that fleet they (the French) had from your majesty and the low countries." Clarendon papers, ii. App. xxv.; and from another passage in the instructions given to him on the 17th of October, "we conceive that the work which was required to be done by them (the ships) *being the suppression of Soubize*, is accomplished." Rym. xviii. 209. See the treaty of 1610, confirmed in 1620, Rym. xvi. 696. Archæologia, xvii. 12. Prynn, *Hidden Works of Darkness*, 85. Rush. i. 178. Journals, 603—608. 661.

* Journals, 592, 655—663. 682.

mands of his Danish and German allies. He had threatened the commons to pursue "new counsels:" necessity compelled him to execute his threat. 1. Tonnage and poundage, comprising all the duties levied on imports and exports, formed the principal portion of the annual income. No bill, authorizing these duties, had been passed: nevertheless he ordered the officers of the customs to exact them in the same manner as had been done in his father's reign: not, indeed, that they belonged to him of right, but under the pretext, that they would have been granted to him of course, if the parliament had not been prematurely dissolved. 2. A commission was appointed to improve the income arising from the crown lands, with authority, in consideration of the actual payment of a large fine, to grant long and profitable leases, to extinguish the more onerous services incident to feudal tenures, and to convert the lands holden by copyright or lease, into fee farms at certain annual rents. 3. Other commissioners were invested with powers to inquire into the arrears of the penalties due for religious delinquency, and to secure the annual payment for the future. Their instructions distinguished between the poor and the more opulent recusants. Those of the first class were allowed to compound for their fines, that they might not be reduced to absolute beggary: from those of the second, the commissioners were ordered to take two-thirds of their lands, and to let them on lease to the highest bidder, and in that case to the owner himself, though it was contrary to the law. 4. Privy seals for the loan of money were again issued to noblemen, gentlemen, and merchants of reputed property; and an immediate advance of £120,000 was imperiously required from the city of London. 5. Under pretence of the protection of commerce in the narrow seas, the several ports were compelled to provide and maintain during the three months, a certain number of armed vessels, and at the same time the lords lieutenants of the different counties received orders to muster the inhabitants, train them to arms, and employ them for the purpose of suppressing civil tumult, or of repelling foreign invasion.*

While men expressed their surprise and indignation at these arbitrary proceedings, intelligence arrived which spread a gloom over the whole kingdom. A great and bloody battle had been fought at Lutter, between the imperialists under count Tully, and

A forced
loan.

* For these particulars see Rym. xviii. 730. 7. 9. 41. 55. 71. 86. and Rush. i. 417—421.

the allies of Charles under the king of Denmark. The latter had fled beyond the Elbe; their artillery and baggage had fallen into the hands of the conquerors; and the whole circle of Lower Saxony, abandoned without defence, lay at the mercy of Ferdinand. The cause of the prince Palatine was at last pronounced desperate: the very existence of protestantism in Germany was thought to be at stake. Charles seized the favourable moment to execute a measure which he had long meditated, but had not dared to attempt. He resolved to raise a forced loan by his own authority; and with

Feb. 5. this view he appointed commissioners in every county, instructed them to take the book of the last subsidy for their guide; and empowered them to exact from each individual the advance of a sum of money according to the former rate, in proportion of cent. per cent. on land, and of a mark in the pound on personal property. This demand was of itself sufficiently despotic; it was rendered still more intolerable by the inquisitorial powers, with which the commissioners were armed. They received orders to interrogate the refractory upon oath; to require from them an avowal of the motive of their disobedience, and a disclosure of the names of their advisers; and to charge them on their allegiance to keep their answers to these questions secret from all persons whomsoever.*

Punishment
of the re-
fractory.

To induce submission, the king published an elaborate proclamation, stating that he had been driven to this extraordinary measure by the exigence of the moment, which did not allow him time to consult his parliament; and promising that every farthing advanced by his loving subjects should be faithfully repaid out of the next subsidies by their grateful sovereign. At the same time he wrote to the

Sept. 26. clergy, calling on them to come forward in support of the protestant interest, to preach unanimity and obedience, and to impress on the minds of their parishioners the duty of aiding the king in his necessities.† But there were many who refused to listen either to the commands of the sovereign or to the exhortations of their ministers. Their names were returned by the commissioners: the more opulent received a summons to appear before the council, and were either committed to prison, or confined in private houses at a considerable distance from their homes and families; the poor, that

* Rush, i. 422. Rymer, xviii. 835—842.

† Rymer, xviii. 764. Bibliotheca Regia, 298—305. Wilkin's con. iv. 471.

"they might serve with their bodies, since they refused to serve with their purses," were forcibly enrolled in the army or navy.* Charles refused to show any indulgence. It had been repeatedly said that he was governed by Buckingham: now, that the favourite was absent, he resolved to prove, by acts of vigour, or rather of despotism, that he had a will of his own, and was not of that easy and ductile disposition which had been attributed to him by his opponents.

The mission on which the duke was employed, had for its object to arm the French protestants against their sovereign, and to make a descent upon the French coast. But what was the inducement, or rather the necessity, which led the king, at a moment when, in the estimation of every thinking man, there were only two expedients by which he could extricate himself from his difficulties,—a peace with Spain, or a reconciliation with his parliament, to neglect them both, and in addition, to provoke a war with the monarch, whose alliance he had courted, and whose sister he had married? The motives for this rash step were never openly avowed: they may perhaps be discovered by attending to the following incidents.

Causes of
war with
France.

1. When Buckingham, two years before, entered Paris, as the guide appointed by Charles to conduct the French princess to England, he dazzled every eye with the splendour of his dress, and the number and magnificence of his retinue.† Among the ladies at court, the gallant Englishman became the theme of general admiration: he singled out for the object of his attentions the young queen Anne of Austria, the eldest sister of the Spanish infanta. Buckingham had the presumption to love and to fancy himself beloved; but his steps were watched, and a seasonable hint of danger restrained him within the limits of decorum. When he took leave of Anne on his departure from Amiens, it was observed that his eyes were suffused with tears; and the moment he reached Boulogne, leaving Henrietta to the care of her servants, he returned to that city under the pretence of important business,

The duke's
passion for
Anne of
Austria.

* Rushworth, i. 426. Strafford papers, i. 36—41.

† He took with him "a rich white satin uncut velvet suit, set all over both suit and cloak, with diamonds, the value whereof is thought to be worth fourscore thousand pounds, besides a feather made with great diamonds, with sword, girdle, hatband and spurs with diamonds: which suit his grace intends to enter Paris with." He had twenty-seven other suits, all "rich as invention could frame or art fashion." Hardwicke papers, i. 571. Ellis, iii. 189.

and boldly intruded, without notice, into the royal bed-chamber. Anne was attended by two of her maids of honour; she heard with apparent anger the protestations of attachment which her lover addressed to her on his knees; and ordered him to depart in a tone of severity, which her female biographer suspected to have been feigned. The presumption of the duke could not be concealed: and Louis ordered several of the queen's domestics to be immediately discharged. Buckingham, after his return to England, continued to nourish this extravagant passion, and had recourse to every expedient to procure another invitation to the French court. The reader has seen that he obtained the appointment of ambassador, but was refused admission by the cardinal of Richelieu; his confidant, the earl of Holland, who proceeded to Paris, laboured in vain to remove the impediment, and the French courtiers avowed their determination to shed the blood of the foreign minion, who sought to defile the bed of their sovereign. Still the duke did not desist. Two other attempts were made, but no persuasion, no artifice could subdue the repugnance of Louis; and the war which followed, has been attributed by English writers to the resentment of the disappointed lover, by the confidant of Anne to his hope of being employed as ambassador to reconcile the two crowns. It is, however, plain, that whatever may have been the secret motives of Buckingham, he must have alleged some very different reason in defence of a measure which threatened to prove so prejudicial to the interests of his own sovereign.*

2. When Henrietta reached England, she observed to the king that she was young, without experience, and ignorant of the national customs. She might commit many faults, but she begged that he would reprimand her in private, and not publish her misconduct to others. Yet the domestic happiness which they at first enjoyed was soon embittered by a succession of petty and vexatious quarrels. The king complained of the caprice and petulance of his wife, the queen of the morose

* Carte (iv. 132.) has attempted to throw discredit on this story from dates in the *Mercurie Francois*. But there can be no doubt that it is substantially true. It is related by Madame de Motteville in her memoirs, (vol. i.) and is confirmed by the testimony of Clarendon, (Hist. i. 38,) by the celebrated stanzas of Voiture addressed to Anne herself, (Motteville, i. 231.) and by the letters of Holland to Buckingham, (Cabala, 252, 253.) To understand these letters the reader should observe, that by the figure of a crown is meant the king of France, by that of an anchor the duke of Buckingham, high admiral, and by that of a heart, his sweetheart the French queen. See also the translation of the memoirs of Cardinal de Retz, iv. 185.

and antigallican disposition of her husband. He attributed their disagreement to the discontent of her French attendants; she and her relations to the interested suggestions of Buckingham.* That the servants of her household met with much to exercise their patience, cannot be doubted: they occupied the place of Englishmen, and were consequently exposed to the hostility of all who might profit by their removal; and that the queen should undertake their defence was natural: she pleaded only for the strict observance of the marriage treaty. Charles, however, before the conclusion of six months, had resolved to send them back to France.† He sought to spare himself the charge of so expensive an establishment, at a time when the treasury was drained to the last shilling; and the number of the chaplains, the pomp with which they performed the service, and their bold, perhaps indiscreet, bearing, amidst the vilifiers of their religion, were thought to cause, or at least to strengthen, the opposition of the commons to the measures of the administration. He announced his intention to the French court, and Blainville came over to mediate between the king and his consort; but Charles deemed the interference of the ambassador an insult, and the outrages of the mob placed his life in danger. After several delays, the king executed his project. Taking the queen by the hand, he led her into a separate apartment, and having informed her of his purpose, conducted her to his palace of Nonsuch. In the mean time, secretary Conway read to her attendants the royal order for their immediate removal to Somerset-house; and the yeoman of the guard, with their halberts, compelled them to depart. Their wages were paid,—gratuities were added: and, after many objections and delays, the whole body, partly by persuasion, partly by force, consented to embark, and was safely landed in France.‡ Three native priests received the

1626.
Nov. 30.

1626.
Feb.

June 1.

July 1.

Aug. 12.

* Motteville, i. Cabala, 252.

† Harleian MSS. 6988. There are two letters to Buckingham, of the same date, Nov. 20; one has been often quoted to prove that Charles was displeased with the duke, because he sought to dissuade him from sending away the queen's servants. But the other letter shows that the first was a mere artifice; that Buckingham, when he arrived in Paris, might have something to show in his own defence against the charges of Henrietta. Hard. papers, ii. 1. 2. Ellis, iii. 216.

‡ On July 1, he visited them at Somerset-house, and told them that "some among them had so dallied with his patience that he could not, and would not, any longer endure it." Bib. Reg. 218. Yet they did not depart: and on the 7th of August he wrote to Buckingham,—"force them

appointment of chaplains, and six females, of whom four were protestants, that of ladies of the bed-chamber to the queen.*

But this violent dismissal of her household was resented as a personal affront by the king of France. He refused to admit to his presence secretary Carleton, who had been sent by Charles to excuse or vindicate his conduct; he even talked of doing himself and his sister justice by the sword. But war was averted by the prudence of Bassompierre, who came to England in the quality of ambassador extraordinary. He found the king and queen highly exasperated against each other: by argument and entreaty he induced them both to yield; a new establishment was formed, partly of

Nov. 26. French, but principally of English servants; a bishop, a confessor and his companion, and ten priests, provided they were neither jesuits nor oratorians, were allowed; and in addition to the chapel originally prepared for the infanta at St. James', it was agreed that another should be built for the queen's use at Somerset House. This arrangement restored harmony between the royal couple. Charles congratulated himself on the dutiful and affectionate behaviour of his wife; and Henrietta soon obtained considerable influence over the heart, and even the judgment of her husband.†

3. From the removal of the queen's servants, Bassompierre passed to the treatment of the English catholics. Charles had bound himself to grant them every indulgence in his power, and yet he had let loose the pursuivants, and had enforced the penal laws

Of the
causes of
dissention.

away, dryve them away, lyke so manie wylde beastes; and so the devill goe with them." Ellis, iii. 224.

* Ellis, iii. 238—247.

† *Memoirs de Bassompierre*, iii. 285—315. Hardwicke papers, ii. 14. One of the chief charges against the clergy attending the queen was, that they compelled her to go in procession to Tyburn, and to pray on the spot where the gunpowder conspirators had been executed. Charles in his instructions to Carleton, merely says, "they made her go to Tyburn in devotion to pray." *Bib. Reg.* 219. The council in their answer to Bassompierre, that "they led her a long way on foot, to go in devotion to a place where it has been the custom to execute criminals." *Memoirs of Basson.* App. 138. The reader will be surprised to learn that this charge, so confidently made, is met by the ambassador with an absolute denial, and an assertion, moreover, that the lords who made it, knew it to be false. "Je scay assurancement, Messieurs, que vous ne croiz pas ce que vous publiez aux autres pour leur faire croire," &c. The fact, he tells them, was, that the queen, on the evening of a sultry day, had taken, with her attendants, the same walk through St. James' park and Hyde park, which she had often before taken with the king. As to the procession, the approaching to the gallows, the prayers, &c. they were all fictions invented by her enemies. See Bassompierre's answer. *Ibid.* 145. 146.

against them. Of this, as a breach of the treaty, Louis had a right to complain: but the king, whose pride refused to plead the real cause, the necessity of yielding to the religious prepossessions of his subjects, contended that the treaty was "one of state, not of religion," and that the promise of indulgence was introduced "simply as a matter of form, to satisfy the pope and the catholics of France," but without any intention on either side that it must necessarily be carried into execution. He was, however, willing to forbid the employment of the pursuivants for the future, and to Nov. 27. deliver into the hands of Bassompierre all the priests, seventeen in number, who had been committed to the prisons of the metropolis. With this concession the ambassador professed himself satisfied.*

It is evident that in these instances the king of France was the party aggrieved: for the cause of the war we must discover some provocation in which he was the real or supposed aggressor. When Charles first solicited the hand of Henrietta, he clearly foresaw that by marrying one catholic princess he and his favourite would risk all that popularity, which they had earned by rejecting the other; but he trusted to silence the adversaries of the match by prevailing on Louis to join him in opposing the house of Austria, and procuring the restoration of the Palatinate to his unfortunate brother-in-law. With this view the English negotiators had insisted that a treaty of alliance defensive and offensive should accompany the treaty of marriage: but they were outwitted by the arts or the duplicity of the French minister; and when the subject was resumed after the nuptials, the proposal was at first evaded, at last peremptorily refused. Thus the king found himself deprived of the benefit which he had anticipated from the match; and the proceedings in parliament convinced him that he had entailed on himself and his favourite the evil which he feared. Stung with the disappointment, and eager to regain his popularity, he determined to prove his attachment to the protestant interest by assuming the protection of the protestants in opposition to their sovereign. The reader

* Bassompierre, App. 139. 151. Bym. xviii. 801. The chief excuse for the non-performance of the article in favour of the catholics, was, that it was signed merely for form sake, and to impose on the pope. It is true that this was suggested in the commencement of the treaty of the marriage; but that before the signature of the king was affixed to the "escrit secret," on the 12th of December, it was understood to be binding, is evident from a letter of the earls of Carlisle and Holland of the sixth of November, (Clarendon papers, ii. App. xv.); and Charles himself ratified it two months after the marriage, on the 18th of July, when there could no longer be any necessity of imposing on the pope. Memoirs of Bassompierre, App. 133.

has seen that this project was at first defeated by the restoration of peace between Louis and his revolted subjects. Charles, however, appeared as mediator, though the French cabinet disclaimed his interference: he promised the protestants to watch over the execution of the treaty, and assured them that he would employ the whole force of his kingdom in the preservation of their liberties, which were intimately connected with the interests of his own dominions.

In the two succeeding years the embarrassments of the king, as the reader will have noticed, increased a hundred fold. His pecuniary wants were multiplied; his parliament grew more stubborn; his plans for the recovery of the Palatinate were defeated by the reverses of his allies. The original cause of all these evils was in his estimation, to be discovered in the perfidy of the French cabinet. Their refusal of the promised alliance had deprived him of the confidence of the nation, and had compelled him to sacrifice more than a million of money, more than 10,000 of his subjects in useless subsidies and expeditions.* In this temper of mind he lent a willing ear to the interested suggestion of an abbé, the emissary of the discontented party in France: Devic and Montague were despatched on a mission to the French protestants, and Soubize and Brancard were received as their accredited agents in England. The result of their combined councils was that Charles should send an army to Rochelle, and Rohan should join it with 4,000 men: that the king should announce his determination to preserve the liberties of the reformed churches, and the duke should summon his brethren to rally round the standard of their deliverer. Men, however, would not believe that the English monarch was actuated solely by religious zeal or personal resentment. Hints were thrown out of the establishment of a protestant state between the Loire and the Garonne; or of the creation of an independent principality in favour of Buckingham. That such delusions might haunt the day-dreams of the king and his favourite, is possible; but nothing more can be collected from their correspondence, than that their ostensible was not their principal object. There lay something behind, the disclosure of which might prove an obstacle to its accomplishment.†

* See the reply of the commissioners to Bassompierre, in the English Memoirs, App. 141.

† Charles had sent away the Danish ambassadors well satisfied, but without discovering his intentions. "For," he adds, "I think it needless, or rather hurtful, to discover my main intent in this business, because divulging it, in my mind, must needs hazard it." Hardwicke pap. ii. 18.

On account of the war with Spain, letters of marque had been issued to the English cruisers, and the merchantmen of every nation were swept into the English ports, under the pretence that they might have Spanish property on board. The Hanse Towns, the states of Holland and the king of Denmark remonstrated in the most forcible language: Louis did not only remonstrate; to secure indemnification he laid an embargo on all English ships in the French harbours. A long and tedious succession of complaints and recriminations followed; promises were made and broken on both sides: and as often as harmony seemed to be restored it was again interrupted by some accidental seizure, or pretended measure of precaution. At last both kings, as if it had been by mutual compact, signed on the same day an order for the suspension of all commercial intercourse between the two nations.*

May 8.

Whatever might be the secret intention of Charles, the French council entertained at this moment no suspicion of hostilities. The armament collected in the English ports, though it amounted to a hundred sail, did not furnish any legitimate ground of alarm. It was said to be destined against Spain, and the existing war with that power, in addition to the necessity of wiping away the disgrace incurred by the late expedition, gave an air of probability to the report. Buckingham took the command; his public commission ordered him to employ the fleet in the service of the prince Palatine; but in obedience to private instructions, he directed his course to La Rochelle, and demanded admission within the harbour. The inhabitants hesitated. Ignorant of the design, they had made no preparation for war: and alarmed by the superiority of his force, they feared to give themselves a master. Their answer was, that they must have time to collect the harvest, and to consult the other churches of the protestant union.

Buckingham appears before Rochelle.

1627.
Jan. 27.

July 11.

From Rochelle Buckingham directed his attention to the neighbouring islands of Rhé and Oleron, the first of which offered the richer reward, the other the more easy conquest. He had soon made his choice; a descent was effected on the isle of Rhé, and the enemy learned in a short, but sanguinary action, to respect the courage of the invaders. The governor Toiras had been surprised; but the English

Descent on the isle of Rhé.

July 12.

* Rym. xviii. 188. 222. 259. 802. 825. 860. 891. Dumont, v. part ii. 506.

commander, whether it was through ignorance or incapacity, loitered five days on the same spot, and the Frenchman improved the delay to provision the castle of St. Martin, his principal fortress, strongly situated on a rocky

July 17. eminence at the bottom of the bay. It was resolved to besiege it in form: trenches were dug, batteries raised, and a boom was thrown across the entrance of the harbour. These works excited the disapprobation and remonstrance of Burrough, a general officer, who had spent the better part of his life in the wars of Flanders: but his freedom was chastised with a reprimand which silenced his more obsequious colleagues in the council. In a few days a random shot deprived Burrough of life, and liberated Buckingham from the control of an able but unwelcome adviser.

The news of this unexpected enterprise created alarm and embarrassment in the states, in the prince Palatine, and the king of Denmark. They bitterly complained to Charles that their hopes and resources were extinguished by this unhappy contest between their two most powerful allies; nor would they admit of the validity of his reasonings, that honour compelled him to take up arms in defence of the French protestants, whose privileges, confirmed to them under his mediation, had been recently infringed. They offered their good services to restore the former harmony between the two crowns; he replied, that though he should not refuse, he would not seek a reconciliation. The ambassadors of Denmark hastened to Paris to sound the disposition of the French ministry: the Hollanders deprived of their commissions all the English officers in the Dutch service who had joined the expedition.*

Revolt of
the pro-
testants.

In the mean time Buckingham published a manifesto in vindication of his proceedings. He declared that the king of Great Britain had no intentions of conquest: that he had taken up arms not as a principal in the war, but as an ally of the churches of France. Charles had mediated the peace between Louis and his protestant subjects: he had guaranteed to the latter the faithful observance of the articles, and the grant of additional favours. Yet fort Louis, in the vicinity of Rochelle, had not been dismantled: plots for the surprise of the town had been encouraged, and a secret resolution had been taken to reduce it by open force. In such circumstances the king could not sit a quiet spectator of the ruin of his protestant brethren. Honour bound him to vindicate their rights

* Hardwicke papers, ii. 17. 19. Carleton's letters, xv—xix.

and liberties by arms: otherwise he might have been accused of aiding to deceive those whom it was his interest and his duty to protect.*

With this declaration in his hand, a declaration of which the grounds were questionable, the reasoning inconclusive, Rohan visited the churches in the south of France. His presence and his harangues excited a general enthusiasm throughout the union: all who refused to swear that they would live and die with the English, were pronounced traitors to their religion: and Rohan received authority to raise forces, and to employ them for the benefit of the common cause. The Rochellois were the last to declare themselves. The menacing attitude of the French troops collected in their neighbourhood inspired a salutary terror: it was removed by the combined assurances of Buckingham and Rohan, and the standard of revolt floated for the last time upon their walls.†

Little of interest occurred in the isle of Rhé before the eleventh week of the siege, when a flotilla of fourteen sail burst through the boom, and re victualled the fortress. This untoward event depressed the spirits of the besiegers. The colonels unanimously signed a paper, advising an immediate retreat: while the deputies from Rochelle conjured the duke with tears not to abandon them to the vengeance of their sovereign. He wavered from one project to another. This day he cannonaded the walls; the next he dismounted the batteries. The earl of Holland brought him a reinforcement of 1500 men; the Rochellois added 800 more: he ordered a general assault; and the failure of the attempt, with the loss of the assailants, augmented the despondency of the troops, and induced the general to abandon the enterprise.

Retreat
from Rhé.
Sept. 28.

It was, however, no longer an easy matter to depart. Marshal Schomberg, with a numerous corps, had interposed between the camp and the place of embarkation; and the army was compelled to march along a narrow causeway, which led across the marshes to the bridge, connecting the small isle of Oie to that of Rhé. Unfortunately the cavalry, which covered the retreat, was broken by the enemy: the confusion on the causeway became irreparable; and the number of the drowned exceeded that of the slain. Buckingham is said to have lost 2000 men on that day. The French, however, were unable to force a passage over the bridge, and the remnant of the army embarked

Oct. 27.

Oct. 29.

* Bibliotheca Regia, 224—229.

† Supplement au Traité dogmatique et historique des edits, 507.

without molestation. The duke was the last to leave the beach: personal courage proved to be the only military qualification, with the absence of which he was not reproached by his opponents.*

Charles received the unfortunate general with a cheerful countenance and undiminished affection. He had even the generosity to transfer the blame from Buckingham to himself, and to give out, that the failure was owing to the want of supplies, which it was his own duty to have provided. But in a few days he was assailed by the complaints and entreaties of the Rochellois. At his solicitation they had risen in arms, he was bound in honour to afford them protection: the French army was ready to form the siege of the town; and without powerful aid they must become the victims of their credulity. Charles consoled and encouraged them; he promised never to abandon their cause, till the forts erected around Rochelle were razed to the ground; he bound himself by a solemn instrument to enter into no treaty to which they were not parties, and to accept of no conditions which did not secure to them the enjoyment of their ancient liberties.†

The king now called on his council to determine the important question, by what means money might be raised for another expedition, whether in the ancient way, by grant of parliament, or according to the precedent of the last year, by virtue of the prerogative. From parliament Charles anticipated nothing but petitions, remonstrances and impeachments: in

a forced loan his advisers saw a strong provocation to resistance and rebellion. He suffered himself to be persuaded, and a parliament was summoned; but in the course of the week a new plan obtained the royal approbation. The sum of £173,411, the charge for the outfit of the intended expedition, was apportioned among the several counties: commissioners were appointed to collect it within the space of three weeks; and the people were admonished, that, if the money were dutifully paid, the king would meet the parliament, if not, "he would think of some more speedy way." This attempt threw the whole nation into a ferment. The expression of the public discontent appalled the boldest of the ministers; and the commission

* Hardwicke papers, ii. 13—20. 23—51. *Mercure Francois*, xiii. 835. Herbert, *expeditio in Ream Insulam*. Isnard, *Arcis Sam. Martinianæ Obsidio*. Ellis, iii. 251. *Strafforde papers*, i. 41.

† Dumont, v. part ii. 538.

was revoked by proclamation, with a promise, "that the king would rely on the love of his people in parliament." Yet a fortnight did not elapse before he imposed new duties on merchandise by his own authority, and then recalled them on the declaration of the judges, that they were illegal.* Such vacillating conduct, the adoption and rejection of such arbitrary measures, served only to excite in the nation, two different feelings, both equally dangerous to the sovereign, disaffection and contempt.

Feb. 16.

Feb. 28.

Never before had parliament assembled under auspices more favourable to the cause of freedom. The sense of the nation had been loudly proclaimed by the elections, which had generally fallen on persons distinguished by their recent opposition to the court: it was the interest of the lords to co-operate with men who sought the protection of private property and personal liberty; and the same necessity, which had compelled the king to summon a parliament, placed him without resource at the mercy of his subjects. Charles himself saw the propriety of sacrificing his resentments, that he might propitiate the public feeling. All the gentlemen, seventy-eight in number, who, on account of their resistance to the forced loan, had been put under restraint, recovered their liberty: archbishop Abbot (he lay under suspension for refusing to license, at the king's command, a political sermon,)[†] was restored to the exercise of his authority; and not only Williams, whom Buckingham's resentment had consigned to the Tower, but even that obnoxious nobleman the earl of Bristol, though under an impeachment of high treason, received permission to take their seats in the upper house. Yet the obstinacy of the king was not subdued: though he had consented to make the trial of a new parliament, he was not prepared to yield to its pretensions; and his speech from the throne was calculated more to irritate than to allay the jealousy of those who trembled for the liberties of their country. "I have called you together," he said, "judging a

Its proceedings.

March 17.

* Somers' Tracts, iv. 100—104. Prynne, Hidden Works, 86. Bib. Regia, 294. Rym. xviii. 967.

[†] This sermon had been preached by Dr. Sibthorpe at the Lent assizes at Northampton, and had for its object to prove the legality of the forced loan. To give it greater authority, it was wished to have it printed with the license of the metropolitan. On his refusal it was licensed by Dr. Laud, now made bishop of London, and Abbot was suspended or sequestered on the 9th of October. See the sentence, with his own narrative of the proceedings, in Rushworth, i. 435—461.

parliament to be the ancient, speediest, and best way to give such supply as to secure ourselves and save our friends from imminent ruin. Every man must now do according to his conscience: wherefore, if you (which God forbid) should not do your duties in contributing what this state at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that which the follies of other men may otherwise hazard to lose. Take not this as threatening (I scorn to threaten any but my equals,) but as an admonition from him, that both out of nature and duty hath most care of your preservations and prosperities.”*

Warned by these words, of the temper of their sovereign, the leaders of the country party conducted their proceedings with the most consummate address. They advanced step by step, first resolving to grant a supply, then fixing it at the tempting amount of five subsidies, and, lastly, agreeing that the whole should be paid within the short space of twelve months. But no art, no entreaty, could prevail on them to pass their resolution in the shape of a bill. It was held out as a lure to the king; it was gradually brought nearer and nearer to his grasp; but they still refused to surrender their hold; they required as a previous condition, that he should give his assent to those liberties which they claimed as the birthright of Englishmen.

Petition of right. In the last year, five of the prisoners on account of the loan had been, at their own request, brought, by writ of habeas corpus, before the king's bench. As the return, though it stated that they had been committed at the especial command of the king, assigned no particular cause, their counsel contended that they ought to be discharged, or at least admitted to bail: but the court refused to allow the exceptions taken in their favour, and remanded them to their respective prisons. This subject was taken up in the house of commons, and the four following resolutions were passed, without a dissenting voice even on the part of the courtiers: 1. that no freeman ought to be restrained or imprisoned, unless some lawful cause of such restraint or imprisonment be expressed: 2. that the writ of habeas corpus ought to be granted to every man imprisoned or restrained, though it be at the command of the king or the privy council, if he pray for the same: 3. that April 3. when the return expresses no cause of commitment or restraint, the party ought to be delivered or bailed: 4. that it is the ancient and undoubted right of every

* Journals, 687.

freeman, that he hath a full and absolute property in his goods and estate, and that no tax, loan, or benevolence ought to be levied by the king or his ministers, without common consent by act of parliament.*

The power of arresting and confining, without designment of cause or intention of trial, was an engine of such powerful efficacy in the hands of government, that the king determined not to surrender it without a struggle; and since it had been frequently exercised by his predecessors, he chose it, as the most proper question on which he might try his strength in the house of lords. When the resolutions were brought before them, the point was argued by the attorney general and king's counsel, on the part of the crown, and by several members of the lower house, on that of the commons. The controversy ultimately resolved itself into this question: Was it requisite, in the case of a commitment by the king, that the cause should appear on the face of the warrant? The pleadings occupied several days, and much ingenuity and learning were displayed by the contending advocates. To me, if a person unacquainted with the subtleties and obscurities of the law may venture to pronounce an opinion, it appears that the weight of precedent as well as of argument lay in favour of the resolutions.†

It would fatigue the patience of the reader to detail the numerous expedients by which Charles, during the space of two months, laboured to lull the suspicions, or weary out the perseverance of his opponents. At length they solicited his assent to the celebrated petition of May 28. right. It began by enumerating the following

* Journals, Ap. 8. May 8. 26. June 10. 21.

† The pleadings occupy more than thirty pages in the Journals, 717—731. 746—763. One argument adduced in favour of the crown by the attorney general is deserving of notice. He told the lords, that in the reign of Elizabeth, "O'Donnel, an arch rebel in Ireland, was slain, and his sons being then infants, were brought over to England, committed to the Tower, and lived there all their lives after." "Now," he asks, "admit that these were brought to the king's bench by habeas corpus, and the cause returned, what cause could there be which would hold good in law? They themselves neither had done, nor could do, any offence. They were brought over in their infancy: yet would any man say that it were safe, that it were fit, to deliver such persons?" This argument discloses an instance of that cruel despotism which was occasionally exercised by Elizabeth's ministers: but what will the reader think of the unfeeling bigotry of sir Edward Coke, who, in his reply to the attorney general, noticing this argument, says, "O'Donnel's children lost nothing by being confined all their lives in the Tower. They were brought up protestants: had they been discharged, they would have been catholics. Periissent, nisi periissent." Journals, 756, 761.

abuses of the sovereign authority: 1. that contrary to magna charta and several other statutes, freemen had been required to lend money to the king, and on their refusal had been molested with oaths, recognizances, and arrests: 2. that several persons had been committed to restraint by command of the king, and when they were brought before the judges by writs of habeas corpus, had been remanded, though no cause of commitment were assigned: 3. that in many places soldiers had been billeted in the private houses of the inhabitants, to their great grievance and molestation: 4. and that several commissions had been issued, empowering certain persons to punish by the summary process of martial law, the offences committed by soldiers, mariners, and their accomplices, though these offences ought to have been investigated and tried in the usual courts of law. It then prayed, that all such proceedings should cease, and never afterwards be drawn into precedents, "as being contrary to the rights and liberties of the subject, and the laws and statutes of the nation.*"

Charles was at a loss what answer to return. To refuse was to forfeit the five subsidies, and to condemn himself to a state of irremediable want; and to assent was in his opinion to surrender his most valuable rights—to throw away the brightest jewels in his crown. He resolved to dissemble: and his subsequent conduct during the session was formed on a studied plan of hypocrisy and deceit. He ordered the following answer to be written under the petition: "The king will-
 June 2. eth that right be done according to the laws and customs of the realm, and the statutes be put in due execution; that his subjects may have no cause to complain of any wrong or oppression contrary to their just rights and liberties, to the preservation whereof he holds himself as well obliged as of his prerogative."†

To the patriots, whose hopes had been wound up to the highest pitch, this answer, so evasive and obscure, proved a cruel disappointment. They indulged in the most passionate

* Commons, Ap. 28.—June 2. Lords, 768—835. At the same time the commons prosecuted Dr. Manwaring for three political sermons; two preached before the king, and the third in the parish church of St. Giles'. In these he had represented him not as a limited but an absolute monarch. The lords condemned Manwaring to imprisonment during the pleasure of the house, to a fine of £1000, to make his submission personally at the bars of both houses, to be suspended for three years, and to be deemed incapable of holding any office, ecclesiastical or civil, or of ever preaching again before the court. Journals, 848. 853. 855. 870. Commons, May 14. June 4. 11. 14. 21.

† Journals, 835.

invective. One saw in it the hand of God visibly chastising the sins of the people; and another called on the house to save the nation tottering on the brink of ruin; a third was on the point of naming a certain favourite, when the speaker starting from the chair, forbade him to proceed, because the king had commanded him, on his allegiance, to prevent such insinuations. A deep and mournful silence ensued; it was broken by sir Nathaniel Rich; Rich was followed by Philips, Prynne, and Coke, with speeches strongly expressive of their feelings, and repeatedly interrupted by their tears. The house at length ordered the doors to be locked, and resolved itself into a committee, to consult on the means of saving the nation. But the speaker, having obtained leave of absence, hastened to the king; and after a conference of three hours, returned with orders for an immediate adjournment. Had he come a few minutes later, Buckingham would have been voted "the grievance of grievances," the chief cause of all the calamities which afflicted the kingdom.*

The next day the debate was resumed: on the the third, the house, at the suggestion of the lords, joined in an address to the king for a more explicit answer to their petition. The danger of his favourite had overcome his reluctance. Taking his seat on the throne, he ordered the former answer to be cut off, and the following to be subscribed: "Let right be done as is desired." "Now," he added, "I have performed my part. If this parliament have not a happy conclusion, the sin is yours. I am free of it." This short speech was received with loud and grateful acclamations. The people partook of the feelings of their representatives: to the gloom which had overspread the country succeeded a delirium of joy and congratulation; and the two houses, to testify their satisfaction, hastened to present to their sovereign the five subsidies of the laity, and to pass the bill for five other subsidies granted by the clergy.†

By moderate men it was hoped that the patriot leaders, content with this victory, would spare the king any additional mortification. But success enlarged their views, and invigorated their efforts. After several long debates, they presented to him a remonstrance, describing the evils which afflicted, and the dangers which threatened, the

And passes it.

his favourite

June 6.

June 7.

Prorogation of parliament.

June 17.

* Rushworth, i. 613—622. Journals, June 5.

† Journals of Lords, 843; of Commons, June 6, 7, 8, 12.

kingdom. Religion was undermined by popery and arminianism: the reputation of the country had been tarnished, and its resources exhausted by a series of unadvised and inglorious expeditions: the dominion of the narrow seas was lost, the shipping of the kingdom diminished, its trade and commerce annihilated. Of these evils, the principal cause, in their opinion, was the excessive power exercised and abused by the duke of Buckingham. Wherefore, they humbly submitted to the consideration of his majesty, whether it were consistent with his safety, or the safety of the realm, that the author of so many calamities should continue to hold office, or to remain near his sacred person.*

They were fully aware of the angry feelings which such a remonstrance would awaken in the royal breast: but the vote of tonnage and poundage had not yet passed; and, it was supposed that Charles would submit to any concession, rather than forfeit the most productive branch of the revenue. They

June 25.

soon learned their mistake, and hastily framed a second address, to remind him, that by the petition of right he was precluded from levying duties

June 26.

on merchandise, without the previous consent of parliament. It had just been engrossed, and the clerk was employed in reading it at the table, when at nine in the morning, they received a summons to attend in the other house. Charles was seated on the throne. Adverting to the purport of their intended address, he took occasion to explain away all that he had appeared to concede in the petition of right. "Both houses," he observed, "professed that they meant not to trench on my prerogative. Therefore, it must needs be conceived, that I have granted no new, but only confirmed the ancient liberties of my subjects. Yet I do not repent, nor recede from any thing I have promised: and I here declare, that those things whereby men had cause to suspect the liberty of the subject to be trenched upon, shall not hereafter be drawn into example for your prejudice. But, as for tonnage and poundage, it is a thing I cannot want. It was never intended by you to ask, and never meant (I am sure) by me to grant." He then gave the royal assent to the bills of subsidy, and instantly prorogued the parliament.†

Advantages
gained by
the country
party.

Thus ended this eventful session, one of the most memorable in our history. The patriots may have been occasionally intemperate in their warmth, and extravagant in their predictions; but their labours have entitled them to the grati-

* Rushworth, i. 631. Journals, June 11. 14. 16, 17.

† Journals of Lords, 879; of Commons, June 25, 26. Rushworth, i. 640—643.

tade of posterity. They extorted from the king the recognition of the rights which he had so wantonly violated, and fixed on a firm and permanent basis the liberties of the nation. It is, indeed, true, that these liberties were subsequently invaded—that again and again they were trampled in the dust. But “the petition of right” survived, to bear evidence against the encroachments of the prerogative. To it the people always appealed; to it the crown was ultimately compelled to submit.

It must not, however, be forgotten, that these men, so eager in the pursuit of civil, were the fiercest enemies of religious freedom. “What illegal proceedings,” exclaimed sir Robert Phillips, “our estates and persons have suffered under, my heart yearns to think, my tongue falters to utter. They have been well represented by divers worthy gentlemen before me. Yet one grievance, and the main one as I conceive, hath not been touched, which is our religion: religion made vendible, by commission, and men for pecuniary annual rates dispensed withal, whereby papists may, without fear of law, practise their idolatry, scoff at parliaments, March 31. law and all.” The result of this and of similar

harangues, was a petition to the king, which, besides the accustomed prayer for the execution of the penal laws, begged that priests returned from banishment might be put to death, that compositions for recusancy, that “mystery of iniquity amounting to a concealed toleration,” might be abolished, and that “for the clear eradication of popery, and the raising up of a holy generation, the children of recusants might be educated in the principles of protestantism.” Charles returned a gracious answer, observing that if he had hitherto granted indulgence to the catholics, it was with the hope that the catholic princes would extend similar indulgence to their protestant subjects: and that, if he did not soon meet with such a return, he would even add to the severity of that treatment, which had now been recommended by the two houses.*

Before I dismiss the history of this session, it may be proper to notice two instances of political apostacy, of that dereliction of principle for the sake of rank or office, which, since this period, has been so frequently imitated by public men. In former times the crown disdained to purchase the services of its opponents: it was able to bear them down to the ground by the sole weight of the prerogative. But experience had taught the favourite

Political
apostacy.

* Journals, 713, 714. Commons, App. i. 8.

that the temper of the times and the power of the sovereign were changed: and in order to break the strength of his adversaries, he sought to seduce the most efficient members from their ranks, by the lure of honours and emoluments. Sir John Savile and sir Thomas Wentworth were men of considerable property in Yorkshire: they had long been rivals, and by their influence divided the county between them. Both had tasted of the royal favour, and both had incurred the royal resentment. At the close of the last parliament, Cottington had induced Savile to desert his friends, and to accept the rank of privy counsellor, with the office of comptroller of the household. Wentworth had more deeply offended. He had been appointed sheriff to prevent his sitting in the house, had been deprived of the office of *custos rotulorum*, and had been imprisoned for his refusal to subscribe to the loan. Yet his patriotism was not proof against the smile of the sovereign. He solicited a reconciliation with Buckingham, and soon after the prorogation it was effected, through the agency of Sir Richard Weston. On one day Savile was created a baron, on the next Wentworth was raised to the same dignity; but the abilities or flattery of the latter gave him the victory over his competitor; and by the end of the year he obtained, with the rank of viscount, the office of lord president of the north.*

The contestations in which Charles was engaged with his parliament, did not render him unmindful of the danger of Rochelle. The French minister had resolved to reduce a race of men, who for half a century had braved the authority of the sovereign; and for this purpose he had collected all the power of France to bear at once upon the devoted town. Louis himself, and during the absence of Louis, Richelieu, commanded the siege. Two armies were employed to cut off all communication with the protestants of the interior, and a mole of stupendous magnitude, which daily advanced from the opposite sides towards the middle of the harbour, threatened in a short time to exclude the expected succours from England. The Rochellois importuned the king with representations of their present misery, and predictions of their approaching ruin: shame and pity urged him not to abandon those who had precipitated themselves into danger through confidence in his promises; and the earl of Denbigh, with a numerous fleet, sailed from Plymouth to their relief. The merit of Denbigh consisted in his marriage with a sister of the favourite: perhaps he only held the command till the

* Rym. xix. 34, 35.

prorogation would allow it to be assumed by Buckingham: at least he attempted nothing, but having remained seven days in presence of the enemy, returned to England.

On the same day on which Buckingham had been pronounced the cause of the national calamities in the house of commons, Dr. Lamb, his physician and dependent, was murdered by a mob in the streets of London. Soon afterwards a placard was affixed to the walls, in these words, June 13.
 “Who rules the kingdom? The king. Who rules the king? The duke. Who rules the duke? The devil. Let the duke look to it, or he will be served as his doctor was served.” June 19.
 He had too much spirit to notice such a menace. The fleet was victualled and reinforced: a more numerous body of troops embarked; and Buckingham hastened to take the command.*

But, notwithstanding these preparations, his object was not to fight, but to negotiate. The continental allies of the two sovereigns viewed with real concern the prolongation of a contest, which served to no other purpose than to confirm the Austrian ascendancy in the empire. The task of commencing a reconciliation was entrusted to the Venetian ambassadors at the two courts. They found each monarch willing to admit, but too proud to propose, an accommodation. Expedients were suggested to meet the difficulty: Charles and the duke held repeated conferences with the ambassador; and it was agreed that Buckingham should sail with the expedition to Rochelle, that he should open a correspondence on some irrelevant subject with Richelieu; and that this should lead, by accident as it were, to a public treaty. His instructions were drawn and delivered to secretary Carleton, who arrived with them at Portsmouth just in time to witness his assassination.†

In the morning, after a sharp debate with some of the

* Ellis, 252. Kennet, iii. 45. Rushworth, i. 630.

† Carleton's Letters, xxi. I may here mention a most singular treaty recently concluded between Buckingham and the king of Sweden. When the duke was in Spain, he had received from a discontented Spanish secretary, a plan to seize the island of Jamaica, and to discover certain gold mines in the mountains, and on the American continent. Gustavus Adolphus bound himself to support Buckingham in his conquest, and to acknowledge him for an independent prince, on condition that he and his heirs for ever should pay to the kings of Sweden one tenth part of the produce of the mines. Signed Mar. 8, 1628. Clarendon papers, i. 18.

Assassination of the duke.

French refugees, the duke left his dressing room to proceed to his carriage. He had entered the hall, when colonel Friar whispered in his ear. He turned to listen, and at the moment received a wound in the left breast from a knife, which was left sticking in his heart. Exclaiming the word "villain," he plucked it out, staggered backwards a few steps, and falling against a table, was caught in the arms of his attendants. They thought it had been a stroke of apoplexy: but the blood which gushed from his mouth and from the wound, convinced them of their mistake. The noise was heard by the dutchess in her bed-chamber. With his sister the countess of Anglesea, she ran into the gallery, and saw her lord below, weltering in his blood.

In the confusion which followed, it was with difficulty that the French gentlemen escaped the vengeance of those, who suspected them of the murder. The real assassin slunk away to the kitchen, where he might have remained unnoticed in the crowd, had he not on a sudden alarm, drawn his sword and exclaimed, "I am the man." He would have met with the death which he sought, had not Carleton and Marten saved his life, that they might inquire into his motives, and discover his accomplices. About his person was found a paper, on which he had written, "That man is Cowardly base and deserveth not the name of a gentleman o' Souldier that is not willinge to sacrifice his life for the honor of his God his Kinge and his Countrie. Lett no man commend me for doeing of it, but rather discommend themselves, as the ca^se of it, for if God had not taken o' harts for o' sinnes he would not haue gone so long vnpunished. Jo felton."

He said that his name was Felton: that he was a protestant, that he had been a lieutenant in the army, but had retired from the service, because on two occasions junior officers had been advanced over his head, and the sum of eighty pounds, the arrears of his pay, had been withheld: and that the remonstrance of the house of commons had convinced him that Buckingham was the cause of the national calamities, and that to bereave him of life was to serve his God, his king, and his country. When he was told that the duke still lived, he answered with a sarcastic smile, that it could not be, the wound was mortal: to those who reproached him with the guilt of murder, he replied that "in his soul and conscience he believed the remonstrance to be a sufficient warrant for his conduct:" and being demanded who were his instigators and accomplices, he exclaimed, that the merit and the glory were exclusively his own. He had travelled seventy miles

to do the deed, and by it he had saved his country. Otherwise he felt no enmity to the duke. Even as he struck, he had prayed, "May God have mercy on thy soul."*

Thus perished at the early age of six and thirty, George Villiers, duke of Buckingham, lord high treasurer of England. That in addition to a graceful person, he possessed many fascinating qualities, is evident from the hold which he retained on the affections of two succeeding monarchs, whose partiality was never satisfied with heaping upon him wealth, and offices, and honours. But his abilities were not equal to his fortune: nor had he the wisdom to supply the deficiency by the aid of an able and disinterested counsellor. Proud of the attachment of his sovereign, he scorned to seek a friend among his equals: and the advisers whom he met at the council board and in his closet were his own dependents, men, who, as they existed by the smile, were careful to flatter the caprice of their patron. Hence he persevered in the same course to the end, urging the king to trample on the liberties, braving himself the indignation of the people. But he had already passed the meridian of his greatness; the commons had pronounced him the bane of his country; and it is doubtful whether the power of Charles could have screened him from the keen pursuit of his enemies. If he had escaped the knife of the assassin, he would probably have fallen by the axe of the executioner.

The king, who lay at a private house in the neighbourhood of Portsmouth, received the announcement of this tragic event with a serenity of countenance, which in those who were unacquainted with his character, excited a suspicion that he was not sorry to be freed from a minister so hateful to the majority of the nation. But Charles lamented his murdered favourite with real affection. If he mastered his feelings in public, he indulged them with greater freedom in private: he carefully marked and remembered the conduct of all around him; he took the widow and children of Buckingham under his special protection; he paid his debts, amounting to £61,000; he styled him the martyr of his sovereign, and

* We have several accounts of the duke's assassination by his contemporaries. See Clarendon, i. 27. Howell's Letters, 203. Wotton's Reliquiæ, 112. I have preferred that by secretary Carleton, who was present. It has been lately published by Mr. Ellis, in his valuable collection of original letters, iii. 256—260. For the correct copy of Felton's paper I am indebted to the politeness of Mr. Upcott, of the London Institution, whose most valuable collection contains the original document. At the foot of it is written in another hand, but evidently at the same time, "A note found about Felton when he killed the Duke of Buckingham, 23d Aug. 1628."

Sept. 17. ordered his remains to be deposited among the ashes of the illustrious dead in Westminster abbey.*

Punishment
of the assassin.

The assassin, though repeatedly interrogated, persisted in his former story, that he had no associate, that patriotism had guided his arm, and that religion sanctioned the stroke. When the earl of Dorset threatened him with the torture, "I am ready," he replied; "yet I must tell you by the way, that I will then accuse you, my lord of Dorset, and no one but yourself." Charles was desirous that he should be put on the rack—but

Nov. 13.

the late proceedings in parliament had taught the judges a salutary lesson, and they unanimously

Nov. 27.

replied, that torture was not justifiable, according to the law of England. At the bar, Felton pleaded guilty; and stretching out his arm, exclaimed, "This is the instrument which did the fact—this I desire may be cut off before I suffer." He was told by the court, that he should have the law, and must be satisfied. He underwent the usual punishment of murder, confessing his delusion, and condemning his offence.†

Loss of
Rochelle.

The king did not allow his grief for the death of Buckingham to withdraw his attention from the danger of La Rochelle. The command was given to the earl of Lindsey, and with him sailed Walter Montague, on a secret mission to the king of France. The hostile fleets cannonaded each other during two successive days; Montague landed, was introduced to Louis, hastened back to London, and was preparing to return, when Rochelle surrendered at discretion. To the French monarch the reduction of this town was a glorious and beneficial achievement: it put an end to that kind of independent republic which the professors of the reformed creed had erected in the heart of France, and enabled him to consolidate his extensive dominions into one powerful empire. To the king of England it furnished a source of regret and self-accusation. If one of the strongest bulwarks of the protestant interest had fallen, his was the blame, on him would rest the disgrace.‡

* Clarendon, i. 30. Ellis, 259. His body, to prevent insult, was buried privately in Westminster abbey, on September 17th. The next night at ten, an empty coffin was borne on the shoulders of six men from Wallingford house to the church, and followed by one hundred mourners. The whole way was lined by the trained bands. Ellis, 264, 265.

† Rush. i. 651. 2, 3. Howel's State Trials, ii. 367. Ellis, 266, 267, 278—282.

‡ Mercure Francois, xiv. 676. Rush. i. 647. Ellis, iii. 274. The Montague here mentioned was Walter, second son of the earl of Manchester

The nation had scarcely recovered from this shock, when the parliament re-assembled. The king, by message, ordered the commons to take the bill for tonnage and poundage into immediate consideration: but the patriots demanded the precedence for grievances, the saints for religion. The last succeeded; and it was resolved, that the "business of the king of this earth should give place to the business of the king of heaven."

1629.
Jan. 30.

In religion, danger was apprehended from two sources, popery and Arminianism. Of the growth of popery an alarming instance had recently appeared. Out of ten individuals arraigned on the charge of having received orders in the church of Rome, one only had been condemned, and even his execution had been respited. Two committees were appointed, one to inquire on what grounds the judges had refused to accept a portion of the evidence tendered at the trial, another to interrogate the attorney-general by whose authority he had discharged the persons acquitted, on producing bail for their future appearance. It was ordered in addition, that each member should communicate to the house every fact which had come to his knowledge respecting attempts or warrants, to stay the execution of the laws against priests or recusants in the country.

Religious
grievances.

But Arminianism, the spawn of popery as it was termed, had become a subject of greater alarm than popery itself. It was observed that Arminian prelates frequented the court: that the royal favour shone exclusively on Arminian clergymen; and that Montague, obnoxious as he was on account of the Arminian tendency of his works, had been raised to the bishopric of Chichester. In addition, Charles, as supreme governor of the church, had lately published an authorized edition of the articles, containing the much disputed clause, "the church hath power to decree rites and ceremonies, and hath authority in matters of faith;" and he had ordered that no doctrine should be taught that differed from those articles, that all controversies respecting outward policy should be decided by the convocation, and that no man should presume to explain the article respecting justification contrary to its plain meaning, or to take it in any other than the literal and grammatical sense.* Against this declaration sir John Elliot protested in the most enthusiastic language. It was an attempt to enslave the con-

1629.
Jan. 29.

He afterwards embraced the catholic religion, was made commendatory abbot of Pontoise, and a member of the council to the queen regent, Anne of Austria. He attended her at her death.

* Bibliotheca Regia, 213.

sciences of the people, to make men dependant for their belief and worship on the pleasure of the king and the clergy. He called on the house to record its dissent; and at his persuasion an entry, styled "a vow," was made on the journals, that the commons of England "claimed, professed, and avowed for truth, that sense of the articles of religion, which were established in parliament, in the 13th year of queen Elizabeth, which, by the public acts of the church of England, and by the general and current exposition of the writers of that church, had been declared unto them, and that they rejected the sense of the Jesuits, Arminians, and of all others, wherein they differed from it."*

Petition of
right. While the zealots laboured to inflame the religious prejudices of their colleagues, the patriots solicited the attention of the house to the petition of right. The king's printers had prepared for sale fifteen hundred copies of that important document; but Charles ordered them to be destroyed, and substituted another edition, in which the royal assent was suppressed, the evasive answer, which he had been compelled to cancel, was preserved, and the sophistical explanation which he had given at the close of the last session, was introduced. What could prevail on the king to employ an artifice so unworthy of an honest man, and yet so easy of detection, is uncertain. It branded his character with the stigma of duplicity; it taught his subjects to distrust his word, even in his legislative capacity. The orators in the commons fearlessly expressed their indignation; and Charles himself, repenting of his folly, sought an opportunity to appease the storm which his imprudence had raised. "The complaint," he observed, "of staying men's goods for tonnage and poundage, may have a short and easy conclusion. By passing the bill, as my ancestors have had it, my past actions will be concluded, and my future proceedings authorized. I take not these duties as appertaining to my hereditary prerogative. It ever was, and still is, my meaning, by the gift of my subjects to enjoy the same. In my speech at the end of last session, I did not challenge them as of right, but showed you the necessity by which I was to take them, till you had granted them, assuring myself that you wanted only time, and not good will. So make good your professions, and put an end to all questions arising from the sub-

* Journals, Jan. 29. The 13th of Elizabeth was selected for this reason: the legislature had ordered the clergy to subscribe the articles, and to read them in the churches, and yet neither the English nor the Latin edition of that year contained the clause respecting the authority of the church.

jeet." This conciliating speech extorted a passing murmur of applause.

But the patriots had formed their resolution, and adhered to it with the most inflexible pertinacity. They did not, indeed, refuse to vote the duties, but they required, as a previous condition, reparation to the merchants, whose goods had been attached by the officers of the customs. With this view, they sent a message to the chancellor and the barons of the exchequer, who, to excuse the judgments which they had given, replied, that the parties aggrieved, were not barred from their remedy by due course of law. For the same purpose, they summoned before them Feb. 23. the farmers of the customs: but secretary Cook declared, that the king would not separate the obedience of his servants from his own acts, nor suffer them to be punished for executing his commands. At these words, loud cries were heard from the leaders of the opposition, and the house immediately adjourned.

At the next meeting, sir John Elliot commenced a most passionate invective against the whole system of government, but was interrupted by the speaker, who informed the house, that he had received an order of adjournment from the king. It was replied, that by delivering the message he had performed his duty; and he was now called upon, to put to the vote a remonstrance against the levy of tonnage and poundage, without the consent of parliament. He refused, and rose to depart, but was forcibly held back by Hollis and Valentine, two members, who had purposely placed themselves on each side of the chair. He made a second attempt; the court party hastened to his aid; their opponents resisted; blows were exchanged, the doors locked, and the speaker, notwithstanding his tears, struggles, and entreaties, was compelled to remain sitting. Elliot resumed his harangue, and was followed by Hollis, who pronounced for the approbation of the house, the following protest; 1. "whosoever shall seek to bring in popery, arminianism, or other opinions, disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth; 2. whosoever shall advise the taking of tonnage and poundage, not being granted by parliament, or shall be an actor or instrument therein, shall be reputed a capital enemy to this kingdom and government; 3. whatever merchant or other person shall pay tonnage and poundage, not being granted by parliament, shall be reputed a betrayer of the liberties of England, and an enemy to the same."

Tumults in
the lower
house.

Mar. 2.

During this extraordinary proceeding, the king had come to the house of lords. He sent for the serjeant-at-arms, who was not permitted to obey; he then ordered the usher of the black rod to deliver a message from his own mouth; but that officer returned without obtaining admission; at last he commanded the captain of the guard to break open the door; but at the very moment, the commons adjourned to the 10th of

March 10. March, according to the message previously delivered by the speaker. On that day the king proceeded to the house of lords, and without sending for the commons dissolved the parliament.*

Members imprisoned. This conduct of the lower house provoked a most bitter controversy between its partisans and those of the crown. The first contended that the

king possessed no right to interfere with the office of the speaker, or to prevent him from putting any question from the chair: the others, that it was the duty of the house to suspend all proceedings, the moment that the order of adjournment was received from the sovereign. It was a question which had never been determined by authority; for though the commons had of late years challenged an exclusive right to adjourn themselves, they had been careful not to bring their claim into collision with that of the crown. By Charles himself, their disobedience was considered as little short of treason; and he pronounced it the result of a conspiracy to resist his lawful commands. By his

March 5. order, the most violent of the opposition members were singled out for punishment, previously to the dissolution; and Elliot, Selden, Hollis, Hobart, Hayman, Coriton, Long, Valentine, and Stroud, after a hasty examination before the council, were committed to different prisons. At their request they were brought up by writ of habeas corpus, and demanded, in conformity with the petition of right, to be discharged or admitted to bail. The case was solemnly argued; and the court must have acceded to the prayer of the prisoners, had not Charles, on the evening before judgment was to be pronounced, secretly removed them

June 24. from the custody of their keepers to the Tower.† It was now necessary to wait till the next term: in the interval, his anger had leisure to cool: he listened to

* For all the particulars, see the journals of both houses. Rushworth, i. 655—672. Whitelock, 12, 13.

† This now became a common practice with respect to men committed by the council. "When they brought their habeas corpus, they were removed from pursuivant to pursuivant, and could have no benefit of the law." Whitelock, 14.

the representations of the judges; and the nine prisoners had notice that they might be bailed, on giving security for their good behaviour. To this they resolutely objected. It implied a previous offence: it amounted to a confession of guilt. In consequence of this obstinacy, the attorney general filed a criminal information against Elliot, Hollis, and Valentine: they refused to plead, on the ground that the court of king's bench had no right to sit in judgment on their conduct in parliament. But the objection was overruled, with the aid of this pitiful distinction, that the privilege of parliament will only cover parliamentary behaviour: where the behaviour is extra-parliamentary, it is liable to censure extra-parliamentum. The accused persisted in declining the authority of the court; and judgment was given, that all three should be imprisoned during the royal pleasure; that before their discharge they should make their submission; and that they should pay fines to the king, Elliot in £1000, Hollis in 1000 marks, and Valentine in £500.*

The unfortunate result of this last experiment had fixed the determination of Charles. If his opponents charged him, his ministers and judges, with a design to trample under foot the liberties of the people, he was as firmly convinced that they had conspired to despoil him of the rightful prerogatives of the crown. It was in parliament alone that they could hope to succeed: and he resolved to extinguish that hope, by governing for the future without the intervention of parliament. Nor did he make any secret of his intention. He announced it by proclamation: "We have showed," he said, "by our frequent meeting our people, our love to the use of parliaments; yet the late abuse having for the present driven us unwillingly out of that course, we shall account it presumption for any to prescribe any time unto us for parliaments, the calling, continuing, and dissolving of which is always in our power, and shall be more inclineable to meet in parliament again, when our people shall see more clearly into our interests and actions."†

Plan to
govern
without
parliament.

1629.
March 22.

The king had now no favourite, in the established acceptance of the word. He retained, indeed, the counsellors whom Buckingham had placed around him: but though he listened to their advice, he was careful to determine for

* Rushworth, 674—680. 689—701. Whitelock, 14. Long was prosecuted in the star-chamber, "for that he being sheriff, and by his oath to reside within his county, did come to parliament and reside out of his county." He was fined 2000 marks. Ibid.

† Rym. xix. 62.

himself. To strengthen the administration, he had recourse to the policy which had already withdrawn Savile and Wentworth from the ranks of the opposition, and resolved to tempt with the offer of favour and office the most formidable of his adversaries in the last parliament. The patriot-

1630.
Nov. 29.

ism of sir Dudley Digges, though it had stood the test of imprisonment in the cause of the people, dissolved in the sunshine of the court, and his services were secured to the crown by a patent, granting him the mastership of the rolls in reversion. Noy and Littleton, lawyers,

1631.
Oct. 27.

who had distinguished themselves by the bitterness of their zeal, and the fervour of their eloquence, followed the precedent set them by Digges: and the two apostates atoned for their former offences by the industry and talent with which they supported the pretensions of the prerogative, the first in the office of attorney, the second in that of solicitor-general.*

As secretaries of state, Charles employed sir Members of the council. John Cooke, and sir Dudley Carleton. Of the

first, the great merit was industry; the chief failing covetousness. Carleton had learning, talents and activity; but the longer portion of his life had been spent in employment abroad; and his ignorance of the state of parties, and of the feelings of his countrymen, led him more readily to adopt the arbitrary designs of his sovereign.

Among the lords of the council were the earl marshal, of whom it was said, that "he resorted sometimes to court, because there only was a greater man than himself, and went thither the seldomer, because there was a greater man than himself;" the brother earls of Pembroke and Montgomery, the earl of Dorset,† and the earls of Carlisle and Holland;‡ the first a Scottish gentleman, raised and enriched by king James, the second a younger son of lord Rich, and the favourite of Buckingham. Most of these were men of pleasure rather than business, and attended in the council, only because it was a duty attached to the offices which they held.

The great seal was still possessed by the lord Coventry, a profound lawyer, who devoted himself almost exclusively to

* Rym. xix. 254. 347.

† He was the person whose duel with lord Bruce forms the subject of the paper in the Guardian, No. 129.

‡ Many extraordinary stories are told of the prodigality of Carlisle, in Lodge, ii. 45. Wilson, 703, 704. 730. Weldon, 271. Holland was a younger son of lord Rich, and by marrying the heiress of sir Walter Cope, obtained possession of the manor of Kensington, and of Holland house. From them he took his titles of baron of Kensington and earl of Holland.

his duties as a judge. He seldom spoke at the board, and, when he did, his opinion was usually unfavourable to the illegal and despotic claims of the court. It was not to be expected, that a minister of this character should make any advance in the esteem of his sovereign; yet Charles permitted him to retain the office till his death, through the long lapse of sixteen years.

The earl of Manchester, lord privy seal, was also an able and experienced lawyer. He had succeeded Coke as lord chief justice, and gave £20,000 for the office of lord treasurer, which, at the end of twelve months, he was compelled to resign for the inferior and less lucrative situation of lord privy seal. Poverty made him an obsequious counsellor, and his authority served to neutralize in the council the more liberal opinions of the lord keeper.

It was but a few weeks before the murder of Buckingham, that the white staff, the idol of Manchester's devotion, was wrung from his grasp and transferred to the hands of sir Richard Weston, chancellor of the exchequer. Weston, by his talents and industry, realized the promises of his patron, and the expectations of his sovereign; success inspired him with presumption; and he ventured to raise his eyes to that place from which the dagger of Felton had precipitated its last possessor. Charles checked his ambition: he paid his debts, he gave him lands, he created him earl of Portland, but he refused him the monopoly of power which had been enjoyed by Buckingham. Weston had, however, strong claims to the gratitude of his sovereign. In the collection of a revenue derived chiefly from illegal sources, he braved, for the service of the king, the hatred of the people, and, his enemies, to render him still more odious, added to the charge of injustice, the still more unpardonable crime of popery. "I denounce him," cried Elliot, in the last session of parliament, "as the great enemy of the commonwealth, who continues to build on the foundation left by his master. In him are centred all our evils; to him are to be attributed the innovations in our religion, and the infringement of our liberties."*

But the religious policy of which Elliot complained, whether it were an attempt to innovate, or to preserve from innovation, was the work of

Bishop
Laud.

* See the characters of these ministers drawn by the pencil of Clarendon, Hist. i. 45—65. The cause of suspicion against Weston was, that his wife and daughters were catholics. The catholics themselves were convinced, from the severity with which he exacted the fines for recusancy, that he was a most orthodox protestant. Clarendon, i. 50. There is, however, reason to believe, that at his death he became a catholic. Strafford pap. i. 389.

a very different personage, whose influence and whose fate claim more particular notice. Laud first attracted the attention of the public in his thirty-third year, by an

1605.
Dec. 26. act which he deplored to the last day of his life.

He lent the aid of his ministry to a pretended marriage between Mountjoy, his patron, and the lady Rich, whose husband was still living. This offence, the result of servility and dependence, was effaced by his subsequent re-

1609.
Sept. 17. pentance, and he made himself useful to Neile, bishop of Rochester, who introduced him to the notice of king James. At court the obsequious

clergyman crept slowly up the ladder of preferment: at the end of twelve years his services were rewarded with the bishopric of St. David's: and the zeal of the new prelate undertook to withdraw the countess of Buckingham from her attachment to the catholic worship. Though he

1621.
June 29. failed of converting the lady, he won, what to him was of the first importance, the confidence of her son. The favourite chose him for his confessor, and the depository of his secrets; made frequent use of his pen and abilities, and derived from him advice and informa-

1626.
Jan. 20. tion. After the death of James, he was rapidly translated from St. David's to Bath and Wells, and thence to the higher see of London; was introduced into the privy council, and received a

promise of Canterbury on the death of archbishop Abbot. Even the loss of his patron proved to Laud an advantage. Charles, bereft of his favourite, called to him his favourite's counsellor. He was already acquainted with the sentiments and the intrepidity of the prelate, his belief in the doctrine of passive obedience, his zeal to enforce ecclesiastical conformity, and his opposition to the civil and religious principles of the puritans. He resigned to Laud the government of the church, and Laud marshalled the church in support of the prerogative.

By this time the king had learned to condemn the imprudence which had wantonly plunged him into hostilities with the two great monarchies of France and Spain. Fortunately his enemies, who dreaded not the efforts of a prince engaged in perpetual contests with his parliament, had treated him as a froward child, warding off his blows, but offering no molestation in return. Philip, whether it were through generosity or contempt, sent back without ransom the prisoners made at Cadiz—Louis those taken in Rhé. The return of the latter prince to his capital encouraged the Venetian ambassadors to resume the secret

Peace with
France.

negotiation, and to propose again a peace between the two crowns. Few difficulties were opposed: and these were easily overcome.* Louis waved his demand of the restoration of the *St. Esprit*, a ship of war of forty-six guns, built at his expense in the Texel, and illegally captured in the very harbour, by sir Sackville Trevor; and Charles contented himself with a conditional, and therefore illusory, promise in favour of his allies the French protestants. By a general clause all conquests made on either side were restored, and the relations of amity and commerce re-established between England and France.†

April 14.

The overtures for a reconciliation between Charles and Philip passed in the first instance through the hands of Gerbier, late master of the horse to the duke of Buckingham, and Reubens, the celebrated Flemish painter.‡ Soon afterwards, Cottington proceeded as ambassador to Madrid, and Colonia returned in the same capacity to London. The treaty of 1604 was taken as the basis of pacification: and Philip, by a letter under his own hand, engaged not only to restore to the Palatine such parts of his dominion as were in the actual possession of the Spanish troops, but never to cease from his efforts till he had procured from the emperor terms satisfactory to the English monarch. In return for this concession, was concluded a secret and most important contract, which had for its object to perfect the mysterious treaty respecting Holland, originally commenced by Charles and Buckingham during their visit to the Spanish court: that the

With Spain.

1630.

Nov. 5.

* One objection raised by the French was, that Rohan, though professing himself the ally of Charles, would not accept the pacification, because he was in reality the pensioner of Spain; (Carleton's Letters, xxv.): so the fact turned out to be. While he was soliciting the French protestants to join the king of England in defence of their religion, he was in reality following the dictates of the Spanish council, from which he received 40,000 ducats per annum. His brother, Soubize, had also 8000. On the conclusion of the peace between Charles and Louis, Rohan concluded another treaty with Philip, by which, in consideration of a supply of 300,000 ducats, he engaged that the French protestants should continue the war; and that if an independent state should ultimately be established by them in any part of France, the catholics should enjoy full toleration and equal rights. See the treaty in Dumont, v. part ii. 582, 583. Siri, *Memorie reconditte*, vi. 646.

† Dumont, 580. Rush, ii. 24. Rym. xix. 60. 87. In consequence of this treaty, Canada and Arcadia, which had been conquered by two brothers, David and Lewis Kirk, were restored to France.

‡ Gerbier was also a painter in distemper, a native of Antwerp. He was trusted both by Buckingham and the king, and at the restoration, returned to England with Charles the second. Walpole has not done him justice in his *Anecdotes of Painting*, 189.

king of England should unite his arms with those of Philip for the reduction of the seven united provinces, and that the former should receive as the price of his assistance a certain portion of those provinces comprehending the island of Zealand, to be held by him in full sovereignty. It was duly signed by the two ministers, Olivarez and Cottington: but the king wisely hesitated to give it his ratification; and by this demur forfeited his right to exact from Philip the performance of the promise in favour of the Palatine. Fortunately, however, for him, the whole transaction was kept secret. Had it transpired, his protestant subjects would have branded him as an apostate from his religious creed; perhaps have driven him in their indignation from his throne.*

Intrigues
with the
states of
Flanders.

1602.

Aug. 14.

A year had scarcely passed, when Charles betrayed the same want of sincerity towards Philip, which he had lately manifested towards the protestants of the Netherlands. The catholic states of Flanders and Brabant entertained a project of throwing off their dependence upon Spain. Both France and Holland offered assistance: but the states suspected the real intentions of those powerful neighbours, and made application through Gerbier to the king of England. Charles replied, that it was not consistent with his honour to announce himself as the fomentor of rebellion in the subjects of a prince with whom he was at peace; but that, if they would previously proclaim themselves independent, he would pledge his word to protect them against every enemy. They were, however, unwilling to hazard their safety on the faith of a general promise; and while they sought to bind the king to specific conditions, Philip discovered the clew to the secret, and was careful to secure their wavering allegiance by the presence of a numerous army. Thus both these negotiations failed; but it was proper to notice them, as early instances of that spirit of intrigue, and that absence of common honesty, with which the king was afterwards reproached by his enemies, during the civil war.†

New
sources of
revenue.

At home, his attention was chiefly occupied with the improvement of the revenue. Though the grant of five subsidies had enabled him to silence the more clamorous of his creditors, and

* Rym. xx. 219. Clarendon papers, i. 49, 780. i. App. xxxii. Carleton's Letters, xxviii. — xxxii. lv.

† See the Hardwicke papers, ii. 55—92.

the cessation of war had closed up one great source of expense, yet the patrimony of the crown had been so diminished by the prodigality of his father, that he could not support the usual charges of government without additional aid from the purses of his subjects. 1. On this account he not only persisted in levying the duties of tonnage and poundage, but augmented the rates on several descriptions of merchandise, and ordered the goods of the refractory to be distrained for immediate payment. 2. He empowered commissioners, in consideration of a certain fine, to remedy defective titles, and pardon frauds committed in the sale of lands formerly belonging to the crown.* 3. He called 1630.
on all persons who had not obeyed the summons Jan. 28.
to receive knighthood at his coronation, to compound for their neglect. It is certain that in former times such defaulters were punished by fines levied on their property, by the sheriff; nor could it be said that the crown had resigned its claim; for the four last sovereigns had issued the usual summons, and their example had been copied by the present. But it had grown to be considered a mere form; the sheriff often neglected to serve the writ, and those who received it, paid it no attention. Now, however, inquiries were instituted; all baronets, all knights made since the coronation, and all possessors of lands rated at forty pounds per annum, were declared liable, and commissioners August.
were appointed to fix the amount of their compositions. Some had the courage to dispute the legality of the demand, but the courts of law uniformly decided against them; and all were ultimately compelled to pay the sum awarded by the commissioners, which in no instance was less than two subsidies and a half. It was a most impolitic expedient, by which the king forfeited the attachment of the landed interest, the best and most assured support of his throne.† 4. He contrived to raise a considerable revenue, by the revival of the numerous monopolies which had been abated on the successive remonstrances of parliament. But they were formed on an improved plan. Instead of being confined to a few favoured individuals, they were given to incorporated companies of merchants and tradesmen, who, in consideration of the exclusive privilege of dealing in certain articles, covenanted to pay into the exchequer a large sum of money in the first instance, and a fixed duty on the commodity which they

* Rush, ii. 8. 49. 300. Rym. xix. 4. 123. 167.

† Rush, ii. 70, 71. 135. 725. Rym. xviii. 278. xix. 119. 175. Bib. Regia, 337.

manufactured or exposed to sale.* As these payments ultimately fell on the consumer, they were equivalent to an indirect tax, imposed by the sole authority of the crown. 5. He extorted fines for disobedience to proclamations, even when he knew that such proclamations were illegal. In the last reign, James had persuaded himself that the contagious maladies which annually visited the metropolis, arose from the increase of its size and the density of its population: and to check the evil, he repeatedly forbade the erection of additional buildings. But as the judges had declared such proclamations contrary to law, the prohibition was disregarded; new houses annually arose, and the city extended its boundaries in every direction. The rents of these buildings were calculated at £100,000 per annum; and Charles appointed commissioners to go through each parish, and summon the owners before them. Some were amerced for their presumption, and ordered, under a heavy penalty, to demolish their houses: others obtained permission to compound for the offence, by the payment of three years' estimated rent, besides an annual fine to the crown for ever.†

At the same time Laud watched with a vigilant eye over

Ecclesiastical proceedings. the interests of the church. Of late years a general subscription had been set on foot, for the purpose of buying up lay impropriations, and of employing them in the support of the ministry.

The plan bore the appearance of religious zeal; the contributions were liberal, and the monies were vested in twelve persons, as trustees for their application. They devoted one portion to the purchase of advowsons and presentations, the other to the establishment of afternoon lectures in boroughs and cities. But it was suspected, perhaps discovered, that the trustees, under the pretence of supporting, were, in reality, undermining the church. The lecturers appointed were non-conforming ministers; and these, as they held their places at the will, were compelled to preach conformably to the commands, of their employers. Laud accused them of being placed in

* Thus, for example, the corporation of soap-boilers paid for their patent £10,000, and engaged to pay a duty of £8 on every ton of soap. See Rush, ff. 136. 143. 186. Rym. xix. 92, 381.

† Thus, a Mr. Moor, having erected forty-two dwelling-houses, with stables and coach-houses, in the vicinity of St. Martin's in the Fields, was fined £1000, and ordered to pull them down before Easter, under the penalty of another £1000. He disobeyed, and the sheriffs demolished the houses, and levied the money by distress. See Strafford papers, i. 206. 243. 262. 263. 360. 372.

their situations, "to blow the bellows of sedition;" and the bishops received orders to watch their conduct, to convert, where it was possible, the afternoon lecture into the duty of catechising, and to insist, at all events, that the surplice should be worn, and the service read by the lecturer. The attorney general compelled the seoffees to produce their books and deeds in the court of the exchequer, and, after counsel had been heard on both sides, a decree was made, that, as they had usurped on the prerogative, by erecting themselves into a body corporate, and had acted contrary to the trust reposed in them, by not annexing the impropriations to the livings of perpetual incumbents, they should render an account of all the monies received, and of all the impropriations and advowsons purchased, and that both these should be forfeited to the king, to be employed by him for the benefit of the church, according to the original intention of the subscribers. A hint was added, that the seoffees would, moreover, be called before the star-chamber for contempt; but the threat was never put in execution.*

Charles had been advised to issue a proclamation, forbidding preachers to treat in the pulpit any of the subjects connected with the Arminian controversy. His object was to put an end to the acrimonious disputes which agitated the two parties; but the prohibition was repeatedly disregarded by the zeal of the polemics, and the offenders on both sides were, with apparent impartiality, equally summoned to answer for their presumption before the court of high commission. Their lot, however, was very different. The orthodox divines usually confessed their fault, and were dismissed with a reprimand: the puritans, of a more unheeding character, suffered the penalties of fine, imprisonment and deprivation. The consequence was, that many, both ministers and laymen, sought to leave a land where they could not enjoy religious freedom, and, migrating to America, laid the foundations of the New England states.†

* Rush, ii. 150—152. Laud's Diary, 47.

† I may here mention an occurrence, which has been often misrepresented. The sabbatarian controversy still divided the churchmen and the puritans. On the 19th of March, 1632, the judges, Richardson and Denham, made an order at the assizes in Somersetshire, to be read by the ministers of the several parishes, forbidding wakes and other amusements on the Lord's day. The king disapproved of the order, and sent his father's book of sports, which has been already mentioned, to be read in opposition to it. This, it has been contended, was acting in the very face of an act of parliament for the better observance of the sabbath, but a reference to the act will show that it was in exact conformity with it. The act distinguished

There was, however, one minister, of the name of Leighton, whose ungovernable zeal drew on himself a more severe visitation. In a book entitled, "An Appeal to Parliament, or Sion's Plea against Prelacy," he maintained that God's children were subjected to a most cruel persecution; that the bishops were men of blood; that the institution of the prelacy was anti-christian and satanical; that the queen was a daughter of Heth; and that the king was abused by the bishops, to the undoing of himself and his people. Language so scurrilous and inflammatory quickly attracted the notice of Laud. At his instigation, Leighton was brought before the lords in the star-chamber; his plea, that he had written through zeal, and not through malice, was disregarded; and the court adjudged him to suffer a punishment, the severity, or rather cruelty of which, will astonish the reader. The

Punishment of Leighton. 1630.
Nov. 16. offending divine was degraded from the ministry, was publicly whipped in the palace yard, was placed for two hours in the pillory, and, in conclusion, had an ear cut off, a nostril slit open, and a cheek branded with the letters S. S. to denote a sower of sedition. These, however, were but the sufferings of one day. At the expiration of a week he underwent a second whipping, he again stood in the pillory, he lost the remaining ear, he had the other nostril slit, and the other cheek branded. Neither was his punishment yet terminated. Marked, degraded, mutilated as he was, he returned to prison, to be immured there for life, unless the king should at any subsequent period think him a fit object for mercy. But from Charles he found no mercy: and it was only at the end of ten years that he obtained his liberty from the parliament, then in arms against the king.* Leighton was a dangerous fanatic, capable, as appears from his writings, of inflicting on others the severities which he suffered himself. But this can form no apology for the judges who awarded a punishment so disproportionate to the offence. They sought to shelter themselves under the plea that he might have been indicted for treason, and, therefore, instead of complaining of the sentence, ought to have been thankful for his life.

two kinds of sports, unlawful sports, such as bear-baiting, bull-baiting, interludes, and common plays, all which were forbidden without exception: and lawful sports and pastimes, which were allowed to all persons within their own parishes, but forbidden to them in other parishes, because the meetings of the inhabitants of different parishes frequently occasioned quarrels and bloodshed. See both in *Bibliotheca Regia*, 233—242.

* Rush, ii. 56. Howell's State Trials, iii. 383.

Both Charles and his adviser, Laud, were aware that the puritans accused them of harbouring a secret design to restore the ancient creed and worship. The charge was groundless. It originated in that intolerant zeal which mistook moderation for apostacy, and was propagated by those whom interest or patriotism had rendered hostile to the measures of government. Charles conceived it expedient to silence this murmur, by giving public proof of his orthodoxy. He carefully excluded all English catholics from the queen's chapel at Somerset house: he offered in successive proclamations a reward of £100 for the apprehension of Dr. Smith, the catholic bishop; and he repeatedly ordered the magistrates, judges, and bishops, to enforce the penal laws against the priests and jesuits. Many were apprehended, some were convicted. But the king, having ratified for the third time the articles of the marriage treaty, was ashamed to shed their blood merely on account of their religion. One only suffered the penalties of treason, through the hasty zeal of judge Yelverton: of the others, some perished in prison, some were sent into banishment, and others occasionally obtained their discharge on giving security to appear at a short notice.*

Treatment
of the
catholics.

The same motive induced the king to act with lenity towards the lay recusants. The law had left it to his option to exact from them the fine of twenty pounds per lunar month, or to take two-thirds of their personal estate; but in lieu of these penalties, he allowed them to compound for a fixed sum to be paid annually into the exchequer. Many hastened to avail themselves of the indulgence. The amount of the composition was determined at the pleasure of the commissioners; and the catholic, by the sacrifice, sometimes of one-tenth, sometimes of one-third of his yearly income, purchased, not the liberty of serving God according to his conscience (that was still forbidden under severe penalties), but the permission to absent himself from a form of worship which he disapproved. The exaction of such a sacrifice was irreconcilable with any principle of justice: but inasmuch as it was a mitigation of the severities inflicted by the law, the recusants looked upon it as a benefit, the zealots stigmatized it as a crime in a protestant sovereign.†

Before I conclude this chapter, I may notice the efforts of Charles in favour of his sister, and her husband the prince

* Rush, i. 645. ii. 11. 13. Prynne, *Hidden Works*, 123. Clarendon, pap. i. 353. 485. Challoung, ii. 123. *Bibliotheca Regia*, 35—39.

† See note (G).

Proceed-
ings in fa-
vour of the
Palatine.

Palatine. The king of Denmark had proclaimed himself the champion of their cause: but his career was short, and he was glad to preserve by a hasty pacification his hereditary dominions from the grasp of that enemy, whom he had wantonly provoked. In his place the kings of England and France endeavoured to call forth a more warlike and enterprising chief, the famed Gustavus Adolphus, king of Sweden. By their good offices a truce for six years was concluded between that

1630.

June.

Gustavus landing in the north of Germany, astonished the world by the number and rapidity of his conquests. Nothing could resist the impetuosity of the Swedish hero. Armies were dissipated, fortresses reduced, and whole nations subdued. Charles had agreed to aid him with a body of six thousand infantry: but, that he might not offend the emperor by too open an avowal of hostility, he

1631.

March 1.

prevailed on the marquess of Hamilton to levy the men, and to conduct them to Germany, as if it were a private adventure, undertaken at his personal risk. Gustavus had formerly promised to replace Frederic on the throne: but when he saw himself in possession of a great part of the Palatinate, his views changed with his fortune, he began to plan an establishment for himself; and to every application from the king and the prince, he returned evasive answers, or opposed conditions which it would have been difficult for Charles, disgraceful to the Palatine, to perform. Vane, the English ambassador, was

1632.

Aug. 1.

recalled: and Hamilton received orders to contrive some pretext for his return; but the prince deluded by his hopes, still followed the Swedish camp, till his protector fell in the great battle of Lutzen. Frederic did not survive him more than a fortnight, dying of a contagious fever in the city of Mentz; and all the efforts of his son Charles Louis, proved as fruitless as those of the father. The imperialists routed

Nov. 6.

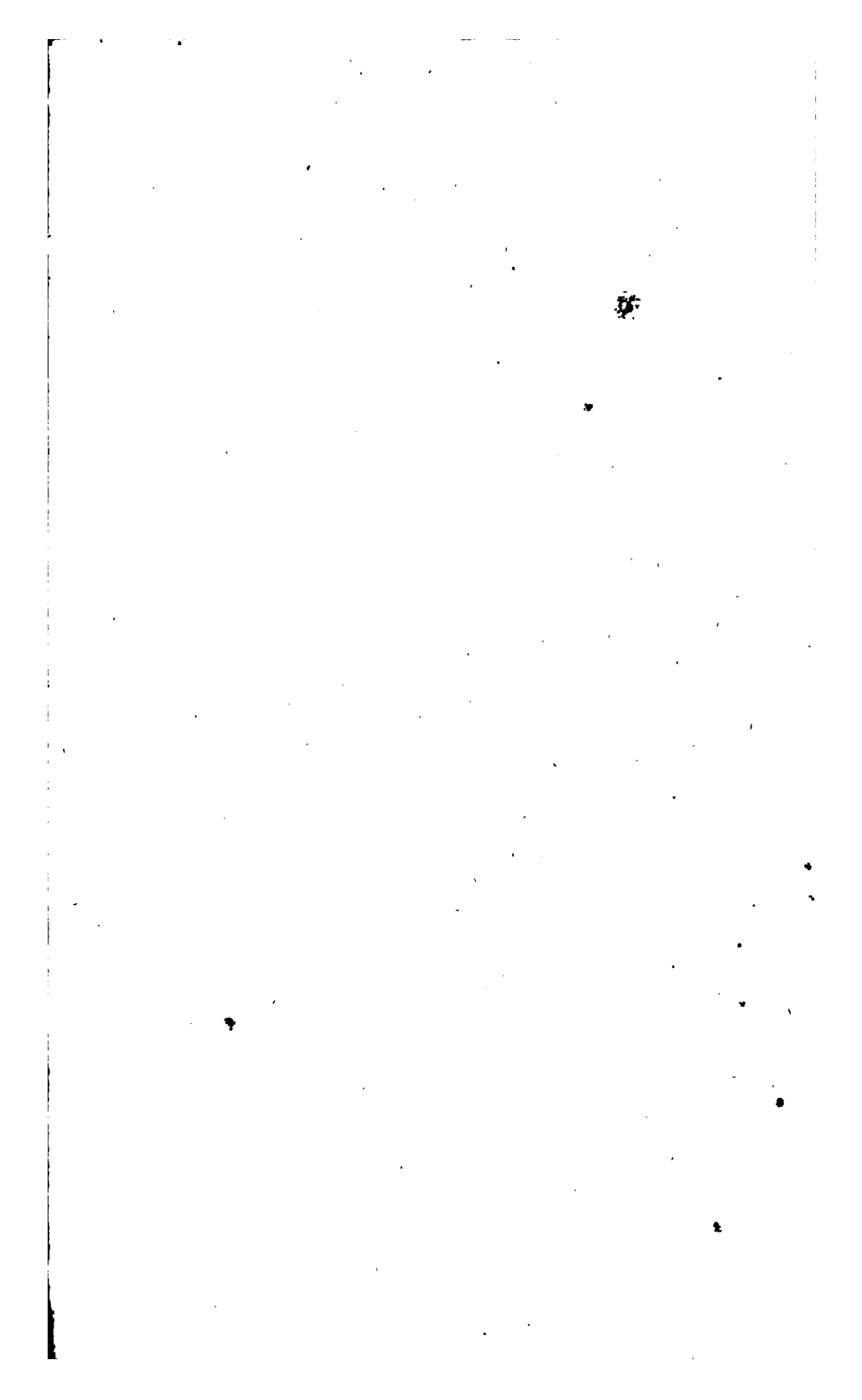
Nov. 19.

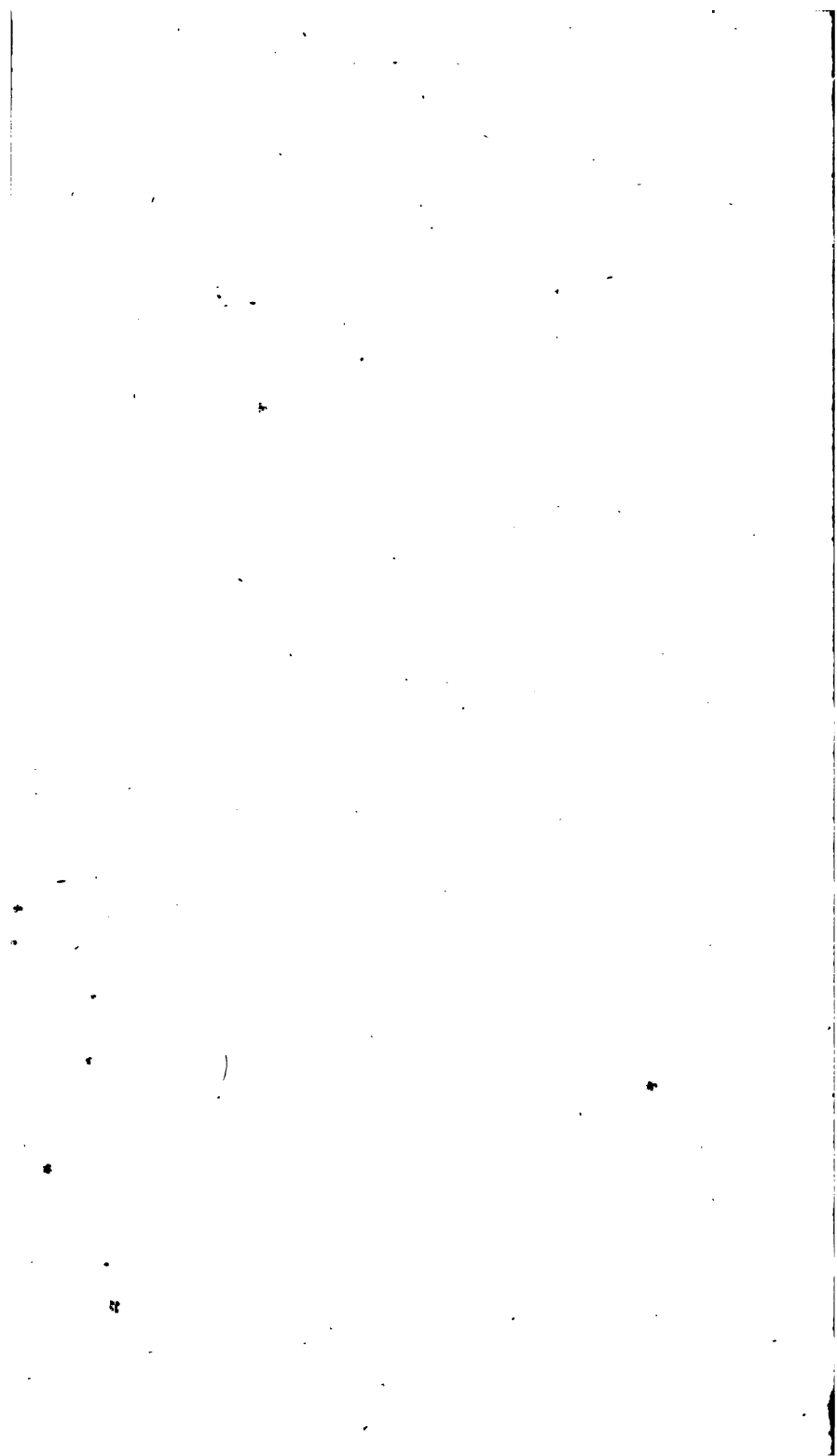
his army in Westphalia: the earl of Arundel returned with an unfavourable answer from the diet of Ratisbon; and the reception given to the proposals made in his favour by the English envoy in the congress of Ham-

1637.

burgh, served only to demonstrate the utter hopelessness of his pretensions.*

* Rush, ii. 35. 53. 59. 83—87. 130. 166. Memoirs of Hamiltons, 7—9. 15—25. Clarendon papers, i. 642. 678.





NOTE [A].

EXTRACTS from the voluntary declaration of Anthony Copley dated 14th of July, 1603, taken before the earl of Shrewsbury, the lords Montague, Howard, Cecil, and others.

On these grounds of discontentment, Mr. Watson, with a choice number of his brethren and some special lay catholics, inasmuch as the king was not yet crowned, did consult upon their case, and resolve upon an oath, to be drawn and tendered to catholics concerning some action to be enterprised for the good of the cause, and therein to be contained a clause of secrecy for two reasons, the one for caution against discovery thereof to the state, the other against the jesuite's partie, which we were certainly informed were likewise distasted with the king, and had their course for the common cause in design, and that in caution against us. And for the drawing in of associates and the timorous, it was to be intimated by the tender of the oath, that the business was no more than to present a supplication to his majesty of eighty or a hundred of the chief catholics at a hunting or other convenient moment. The tenor of the supplication was, That they were a chosen band of catholics who had in the late reign assisted his majesty's title against all pretenders, and against the Spanish faction, putting him in mind of Watson's book,—they beseeched toleration, &c.

The examinant deposed that Watson tendered the oath to him, which he took at first under a false impression, when Watson gave him a glance of the attempts to be made if their suit failed, and at parting requested him to come to town with as many able men as he could.

They had several meetings, Watson on one occasion talked of dispelling privy counsellors, cutting off heads, getting the broad seal, and seizing the Tower, which Copley marvelled at: conversations without head or foot, the grounds of which he then knew not.

A day or two after, Watson told him the jesuits had crossed his purpose in Lancashire and Wales, whence he expected large supplies of men.

A meeting took place between him, Watson and sir Griffin Markham, when Copley's scruples were satisfied that it was for the good of the catholic cause they should enter into the enterprise. It was proposed to seize the king's person at Greenwich, and to possess themselves of the Tower. It was intended to give a free use of religion to all, and that catholics should hold offices equally with protestants. Watson proposed to depose the king, which Copley opposed, because it would impair the dignity of the crown by dismembering Scotland from England, and would draw on the Dane, together with Scotland and Brunswick; at this meeting of sir Griffin Markham, which occurred at a supper given by Watson, some ludicrous remarks were made on king James—his vulgar manner of drinking is particularly spoken of.

Watson at last finding things did not succeed, told them they might all go to their homes, affirming that he despaired of the action: he afterwards himself departed.

NOTE [B].

Letter from Garnet to his Superior in Rome.

"MAGNIFICE DOMINE,

"Accepimus dominationis vestræ literas, quas ea qua par est reverentia erga suam sanctitatem et vestram paternitatem amplectimur. Et quidem pro mea parte quater hactenus tumultum impedi. Nec dubium est quin publicos omnes armorum apparatus prohibere possimus, cum certum sit multos catholicos, absque nostro consensu, nihil hujusmodi nisi urgente necessitate attentare velle.

"Duo tamen sunt quæ nos valde sollicitos tenent. Primum ne alii fortassis in una aliqua provincia ad arma convolent, unde alios ipsa necessitas ad similia studia compellat.

"Sunt enim non pauci, qui nudo suæ sanctitatis jussu cohiberi non possunt. Ausi sunt enim, vivo papa Clemente, interrogare num posset papa illos prohibere quo minus vitam suam defendant. Dicunt insuper suorum secretorum presbyterum nullum fore conscium: nominatim vero de nobis conqueruntur etiam amici nonnulli, nos illorum molitionibus obicem ponere.

"Atque ut hos aliquo modo leniremus, et saltem tempus lucraremur, ut dilatione aliqua adhiberi possint congrua remedia, hortati sumus, ut communi consilio aliquem ad sanctissimum mitterent: quod factum est, eumque ad illustrissimum Nuntium in Flandriam direxi, ut ab ipso suæ sanctitati commendetur, scriptis etiam literis quibus eorum sententiam exposui, at rationes pro utraque parte. Hæ literæ fuscæ scriptæ et plenissimæ fuere: tutissimè enim transferentur: atque hoc de primo periculo. Alterum est aliquanto deterius, quia periculum est ne privatim aliqua proditio vel vis Regi offeratur, et hoc pacto omnes catholici ad arma compellantur.

"Quare meo quidem judicio duo necessaria sunt; primum ut sua sanctitas præscribat quid quoque in casu agendum sit; deinde, ut sub censuris omnem armorum vim catholicis prohibeat, idque Brevis publice edito, cujus occasio obtendi potest nuper excitatus in Wallia tumultus, qui demum in nihilum recidit. Restat ut (cum in peius omnia quotidie prolabantur) oremus suam sanctitatem his tantis periculis ut brevi necessarium aliquod remedium adhibeat: cujus sicut et reverendæ paternitatis vestræ benedictionem imploramus.

"Magnificæ Dominationis vestræ servus,

"HENRICUS GARNET."

Londoni, 24 Julii, 1605.

NOTE [C].

Letter from Garnet to Persons.

"My verie lovinge sir, we are to goe within fewe dayes neerer London, yet are we unprovided of a house, nor can find any convenient for any longe tyme. But we must be fayne to borrowe some private house, and ive more privately untill this storme be overblowen; for most strict inquiries are practiced, wherein yf my hostesse be not quite undone, she speed-

eth better than many of her neighbours. The courses taken are more severe than in Q. Elizabeth's tyme. Everie six weeks is a severall court, juries appointed to indite, present, find the goods of catholicks, prize them, yea, in many places to drive away whatsoever they find (*contra ordinem juris*), and putt the owners, yf perhaps protestants, to prove that they be theirs and not of recusants with whom they deale. The commissioners in all contreys are the most earnest and base puritans, whom otherwise the kinge discountenanceth. The prisoners at Wisbich are almost famished; they are verie close, and can have no healpe from abroad, but the kinge allowinge a marke a weeke for eche one, the keeper maketh his gains, and giveth them meate but three dayes a weeke. If any recusant by his goods againe, they inquire diligently yf the money be his own, otherwise they would have that too. In fine yf these courses should, everie man must be fayne to redeeme once in six moneths the verie bedd he lyeth on: and hereof, that is of twice redeeming, besides other presidents I find one in this lodginge where nowe I am. The judges nowe openly protest that the kinge nowe will have blood, and hath taken blood in Yorkshier: that the kinge hath hitherto stroaked the papists, but nowe will strike. This is without any least desert of catholicks. The execution of two in the north is certayn, and, whereas it was done upon could blood, that is with so great staye after their condemnation, it argueth a deliberate resolution of what we may expect. So that there is noe hope that pope Paulus V. can doe any thinge: and whatsoever men give owt there of easie proceedings with catholicks, is mere fabulous. And yet I am assured notwithstandinge, that the best sort of catholicks will beare all their losses with patience. But howe these tyrannicall proceedinges of such base officers may drive particular men to desperate attempts, that I cannot answer for, the kinge's wisdomed will foreseee.

"I have a letter from Field in Ireland, whoe telleth me that of late there was a verie severe proclamation against all ecclesiasticall persons, and a generall command for goinge to the church; with a solemne protestation that the kinge never promised nor meant to give toleration."

October 4, 1605.

NOTE [D].

In this note I shall mention the chief presumptions against Garnet, Greenway, and Gerard, and their answers with those of their advocates.

1. It was alleged that Garnet had resolved the case of the destruction of the innocent with the guilty in favour of the conspirators.—He answered that the case which he resolved, was a common case in war, and that the question was put to him, and the answer given by him in the usual manner. That it had any reference to the treason was totally unknown to him. It was not in effect the *same* case; Catesby himself, according to Winter, never pretended to the conspirators that it was any thing more than a *like* case.

2. He had given letters of recommendation to Fawkes and Baynham, when the first was going to Flanders, and the other to Italy.—He replied that he was in the habit of giving such letters to all catholic gentlemen, who applied for them. He had given one to Fawkes under the persuasion that his object was to serve in the army of the archduke, and to Baynham, because he had undertaken to lay before the pontiff a statement of the calamitous situation of the English catholics. Before any guilt could be

inferred from these letters, it was necessary to show that he had been acquainted with the traitorous designs of the envoys, of which he most solemnly declared that he was ignorant.

3. With his knowledge of the plot from confession, he had prayed on the first of November for the success of the catholic cause, and had repeated the verses—*Auferte gentem perfidam, credentium de finibus.*—He answered that he had not prayed for the success of the plot, but that whatever might happen, God would direct it to his greater glory: and that the allusion contained in the Latin verses was merely accidental. They formed part of the hymn appointed for the service of the day, which he should have recited whether there had been any conspiracy or not.

4. It was said that he received on the sixth of November a message from Catesby by Bates, the confidential servant of that conspirator.—He denied that Bates brought any message to him. His commission was to deliver a letter to lady Digby from her husband. Garnet was, indeed, in the house, but he refused to see a man, who had been engaged in so horrible a treason.

5. During the controversy respecting the oath of allegiance, archbishop Abbot, bishop Andrews, and Casaubon, who wrote in favour of James, in proof of the guilt of Garnet, referred to a letter said to be in his handwriting, and dated on palm sunday, soon after his condemnation. It was addressed to his brethren of the society, and supposed to be written to excuse his weakness, in having named Greenway as the "one man living" who had opened the matter to him in confession. He is made to say that had he not known that Greenway was in the Tower, he would have invented some other *fiction*: that after his conversation with Oldcorne, it became necessary to name some one: that he could not name any of the lay conspirators, because he had sworn never to betray them; and that he hoped Greenway would forgive him, because that jesuit had already been accused by several of the prisoners, and Garnet had extenuated his offence by saying that he disapproved of the plot. By the friends of Garnet this letter was pronounced a forgery, and I think with reason. 1. That he should prefer a false accusation against a friend, whom he believed to be in custody, in order to save a guilty person, who was at large and perhaps in safety, is in itself improbable: 2. but that he should call what he had said a false accusation, a fiction, is to me incredible. It was no fiction, but a fact. Not only did Garnet maintain it at his trial and his death, but Greenway himself in his manuscript papers now lying before me, repeatedly admits it in the course of his narrative. 3. Moreover the assertion attributed to Garnet in the letter, that he mentioned Greenway, because he was already in custody, is contradicted by Garnet's speech on the scaffold, in which he says that he mentioned him because he believed him to be in safety, and because he was able to vindicate his own character. To me the letter appears totally unworthy of credit.

6. In 1675, certain letters were discovered written from the Tower by Digby to his wife, but intended for Gerard. In them he expresses his surprise and sorrow, that the design should be condemned by the catholics and missionaries in general, and declares that he would never have engaged in it, had he not been persuaded that it was lawful. "It was my certain belief, that those which were best able to judge of the lawfulness of it, had been acquainted with it, and given way unto it. More reasons I had to persuade to this belief than I dare utter, which I will never to the suspicion of any, though I should be to the rack for it." Gunpowder Treason, edition of 1679, p. 242. In reference to the same subject he proceeds in a subsequent letter.—"I do answer your speech with Mr. Brown thus Before that I knew any thing of this plot, I did ask Mr. Farmer (Garnet) what the meaning of the pope's brief was." (This brief was sent to Garnet on the 19th of July, 1603, in consequence of Watson's treason, which I mention because a very erroneous meaning has been given to this passage

in Miss Aikin's Court of James I.) "He told me they were not, meaning priests, to undertake to procure any stirrs: but yet they would not hinder any (neither was it the pope's mind they should) that should be undertaken for catholick good. I did never utter thus much, nor would not, but to you: and this answer with Mr. Catesbye's proceedings with him and me, gave me absolute belief that the matter in general was approved, though every particular was not known." p. 250, 251. Hence it appears to have been the persuasion of Digby that Garnet approved of the plot. But had he any assurance of it? It is plain that he had not. "As I did not know directly that it was approved by such, "so did I hold it in my conscience the best not to know any more, if I might." p. 242. This concession appears to take away the force of his previous testimony.

With respect to Greenway, it is certain that he knew of the secret in confession. But of this the ministers were unacquainted at the time of the proclamation. The grounds of the charge against him were the following. 1. According to the attorney general at the trial, Bates had acknowledged that he mentioned the matter to Greenway, and received from him instructions to do whatever his master should order. On the other side Greenway, in a paper which lies before me, declares on his salvation, that Bates never spoke one word to him on the subject, either in or out of confession: and Bates himself in a letter written before he suffered, asserts that he merely said it was his suspicion that Greenway might have known something of the plot. 2. On the sixth of November Greenway rode to the conspirators at Huddington, and administered to them the sacrament. He replies, that having learned from a letter written by sir Everard to lady Digby, the danger in which they were, he deemed it a duty to offer to them the aids of religion, before they suffered that death which threatened them: that for this purpose he rode to Huddington, and then, after a few hours, left them for the house of Mr. Abingdon, at Henlip. Greenway escaped to Flanders.

The charge against Gerard, rested at first on the very slender foundation I already mentioned. The moment it was made he loudly proclaimed his innocence, and in several letters demanded justice from the lords in the council. Six and twenty years later the charge was revived against him by Anthony Smith, a secular clergyman, who made affidavit before Dr. Smith, bishop of Chalcedon and vicar apostolic in England, that in his hearing Gerard had said, in the novitiate at Liege, that he worked in the mine with the lay conspirators till his clothes were as wet with perspiration as if they had been dipped in water; and that the general condemnation of the plot was chiefly owing to its bad success, as had often happened to the attempts of unfortunate generals in war. MS. copy dated April 17, 1631. On the contrary, Gerard being called upon by his superiors, again proclaimed his innocence, asserted it on oath, and took the sacrament upon it: and it may be thought some, though not very conclusive proof in his favour, that Fawkes in his examination on the 8th of November says, that "none but gentlemen worked in the mine." (Original in the state paper office.) For my own part, after having read what he wrote in his own vindication, I cannot doubt his innocence, and suspect that Smith unintentionally attributed to him, what he had heard him say of some other person.

I will only add, that implicit faith is not to be given even to the documents published by the government. Winter is said to have confessed that Fawkes went to Flanders with the intention of communicating the plot to Owen. (Gunpowder Treason, p. 56.) Fawkes is also made to assert the same. "I retired into the low countreys by advice and direction of the rest, as well to acquaint Owen with the particulars of the plot, as also least by my longer stay I might have grown suspicious." Ibid. 42. The original of Winter's confession is lost; that of Fawkes is still in the state paper office, but I understand that it does not contain the passage, which is printed in italics.

NOTE [E].

The controversy brought to light a fact, which James was most anxious to conceal.

The reader is aware of the two papal breves, which had been issued by Clement VIII. in contemplation of the approaching death of Elizabeth. I cannot discover, that any copies of these breves exist; but from a copy of the letter which accompanied them, when they were sent to the nuncio at Brussels, may be formed a pretty correct notion of their purport. "Ad Anglos catholicos," says the pontiff, "scripsimus, eosque efficaciter hortati sumus ut, si unquam alias, nunc maxime concordēs et unanimes sint, ac quibusvis terrenis affectibus et perturbationibus semotis, ad solam Dei gloriam, veram regni utilitatem, et fidei catholicæ conversationem aspiciant: neque se ad hæreticorum consilia adjungi, eorumve dolis et astu se de sua constantia dimoveri patiantur. Scripsimus etiam ad Archiepiscopum Angliæ ejusque assistentes, et cæterum clerum, ut tam necessariam catholicorum, præsertim nobilium, unionem summo studio conservent, eosque omni officii genere permoveant, ne cui suffragentur in hoc gravissimo negotio, nisi vere catholico, ut quod summopere in Domino cupimus, sancta et salutaris novi regis creatio, Dei adjutrice gratia, sequatur." MS. letter.

Of the breves James had complained as prejudicial to his right to the crown; and Bellarmine in his reply, under the name of Matthæus Tortus, took occasion to publish a letter written by the king himself to Clement VIII. in 1599, in which he solicited the dignity of cardinal for a Scottish catholic, the bishop of Vaizon, and subscribed himself, *Beatitudinis vestræ obsequentissimus filius*. J. R. (See it in Rushworth, i. 166.) This was a stroke for which the king was not prepared; at first he sunk under it; he saw himself convicted of duplicity or perfidy in the eyes of all Europe. As his only resource he determined to deny the fact. Balmerino's secretary at the time was summoned before the council; and after several examinations, at the last of which the king himself attended unseen, yet within hearing, he consented to acknowledge that he had artfully procured the royal signature to the letter, but at the same time had kept his sovereign in ignorance both of its contents and of its address.

If we inquire more nearly into the artifice, which he was supposed to have employed for this purpose, we shall pronounce the story totally unworthy of credit. Balmerino was made to confess that, finding he could not prevail on the king to open a correspondence with the pope, he procured a letter to be composed by Edward Drummond; this, at a moment when James was about to mount his horse on a hunting party, was laid in the midst of several other despatches before him; and the king in the hurry signed it together with the others in total ignorance of their contents.

This is sufficiently improbable, but let us ask what were the other despatches? They were letters to the dukes of Florence and Savoy, and to the cardinals Aldobrandini, Bellarmine, and Cajetan at Rome. So much it was necessary to admit, otherwise Bellarmine would have published them. Now what could induce the king to write to these three cardinals? The answer is, that he never meant to do so; that the letters were placed before him without any address, and signed by him under the notion that they would be forwarded to the cardinals of the house of Guise, his maternal relations; that they were thus sent in one packet to the archbishop of Glasgow his ambassador at the court of France, and directed by that prelate without any authority from the king, to the three cardinals Aldobrandini, Bellarmine, and Cajetan!—See Balmerino's confession, or rather the declaration which was composed for him to sign, in *Tortura Torti*, p. 288.

No man can read this story, without pronouncing it at once a collection of falsehoods. Indeed it was so understood at the time. "We confessed

simulaty, as was thought by thesse that best wndertood the courte, and hou matters then went, to liberat the king of suche grossnes." Balfour, ii. 29.

In consequence of his confession, Balmerino's name was erased from the list of privy counsellors in England, and he was sent to be tried in Scotland, where he received judgment of death. "Bot by the king's secrett commands to the earle of Dumbar, he was againe remitted to the custody of the lord Scone, as a close prisoner, to be kept at Falkland; and from thence was enlarged and confyned to his auen housses in Angus shyre, and Balmerinoche in Fyffe shyre, quher he deyed of a feur and waicknes in his stomache, some few mounthes after the death of his arch-enimey and competitor, Ceicill, earle of Salisbury, (after quhome) if any tyme he had surviued, (as was talked by them that best knew the king's mynd) he had beine in grater crydit with his master than euer." Balfour, ii. 30.

NOTE [F].

The chief object of Bennet's mission to Rome was to obtain a bishop to preside over the English catholic church. The secular clergy had repeatedly remonstrated against the government by an archpriest: but, though their case was supported by the favourable testimony of Barberini, the nuncio at Paris, and of Bentivoglio, the nuncio at Brussels, they did not succeed before the death of Harrison, the second archpriest after Blackwall. Then Bennet, accompanied by Farrar, another clergyman, pressed the matter on the attention of Gregory XV. the reigning pope. Their principal advocate was cardinal Bandini, who argued that every church by the institution of Christ, ought to be placed under the superintendence of bishops; that had episcopal government been established among the English catholics, the disputes of the missionaries, the unadvised attempts against the state, and even the gunpowder plot, would in all probability have been prevented; and that, unless the request of the clergy were granted, the French prelates, particularly the archbishop of Rouen, who had already made some attempts, would take upon themselves the chief care of the English church. He was opposed by cardinal Mellini, who contended that episcopal government was not essential to the existence of a provincial church; that to introduce it into England, would be to expose the catholics to additional severities; and that the connexion already existing between the French and English clergy made it probable, that the latter, if placed under a bishop, would make common cause, and demand the same privileges with the former. The petition of Bennet was strongly supported by the French and Spanish ambassadors; and the pope had expressed a disposition to gratify the clergy, when the adversaries of the measure, as a last resource, appealed to the fears and jealousies of James. Toby Matthews, pretending an unwillingness that any arrangement should be adopted which might prove disagreeable to the king, revealed the whole proceeding to the council. James was not deceived as to his motive; (see letter in Cabala, 292, and others in Bacon's works, vol. vi.) but he communicated to the pontiff through the Spanish ambassador his resolution, never to admit a catholic bishop into his dominions. Gregory hesitated; instead of four bishops he appointed only one; and that the new prelate might be less objectionable, he selected for the office of Dr. Bishop, who had formerly signed the celebrated protestation of allegiance in the last

year of Elizabeth. Still, as it was doubtful how far the king might yield, or the bishop himself might form connexions with the French prelates, he made him revocable at pleasure. He was consecrated in France, and received power to exercise episcopal authority over the catholics of England and Scotland. But the Scots immediately remonstrated: they never had been, they never would be subject to an English prelate: and Gregory, to satisfy this national jealousy, ordered Bishop to abstain, till further orders, from pretending to any jurisdiction within the kingdom of Scotland. MSS. penes me.

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NOTE [G].

Rushworth and Prynne complain bitterly of the indulgence granted to recusants in their compositions. The fact was, that the fine to the proprietor in the first instance was moderate in comparison with the penalty due by the law. But every estate was burthened with a great number of annuities to different branches of the family, and of these, as they fell in, one-third was secured to the crown. I will give for an example, the composition of Mr. Tankard, of Burroughbridge, and have selected it, because it was one of those selected by Rushworth as a subject of complaint.

Com.	{	Sessio Commiss. apud Maner.
Ebor.		Dni Regis, &c. 16 ^o die Octob.
		An. 1630.

“Thomas Tankard of Borowbriggs in the county of York Esqr. hath this day compounded with his majesties commissioners for himself and Frances his wife, for all his manors, lands, tenements, and hereditaments with their appurtenances in the county of York, for the sum of sixty-six pounds, thirteen shillings four pence in present. And after the determination of an annual rent of £100 payable to Roger Beckwith of Aldborough, the sum of £33 6s. 8d. more. And after the death of Merial Tankard of Copgrave widow, the sum of £33 6s. 8d. more. And after the determination of an annuity to Mary Tankard his sister, the sum of £16 13s. 4d. more. And after the determination of an annuity of £80 payable to Catherine Tankard, sister of him the said Thomas Tankard, till the sum of six hundred pounds be paid, £26 13s. 4d. more. And after the determination of an annuity of £10 payable to Christopher Lancaster of Crabtrees in the county of Westmoreland during his life, the sum of £3 6s. 8d. more. And after the determination of an annuity of £10 payable unto Hugh Tankard during his life, the sum of £3 6s. 8d. more. And after the determination of an annuity of £10 payable to Peter North after the expiration of 15 years beginning £3 6s. 8d. more. And after the determination of an annuity payable to Ralph Ellis during his life, the sum of £5 6s. 8d. more. All which several sums as they shall fall due, are to be paid at Martinmass and Whitsontide by equal portions. And to give bond for the first half year's rent accordingly, as also for the payment of one whole year's rent, which was due unto his majesty at Martinmass An. 1629, and Whitsontide 1630. All his arrearages are included in this composition.”

This estate was forfeited under the commonwealth; and Rushworth, who thought £200 a year too small a fine to be paid by the catholic proprietor on account of his religion, was not ashamed to value the fee simple at more than £600. He purchased it for that sum. MS. copies of the compositions penes me.

A

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

BY JOHN LINGARD, D. D.

VOLUME X.

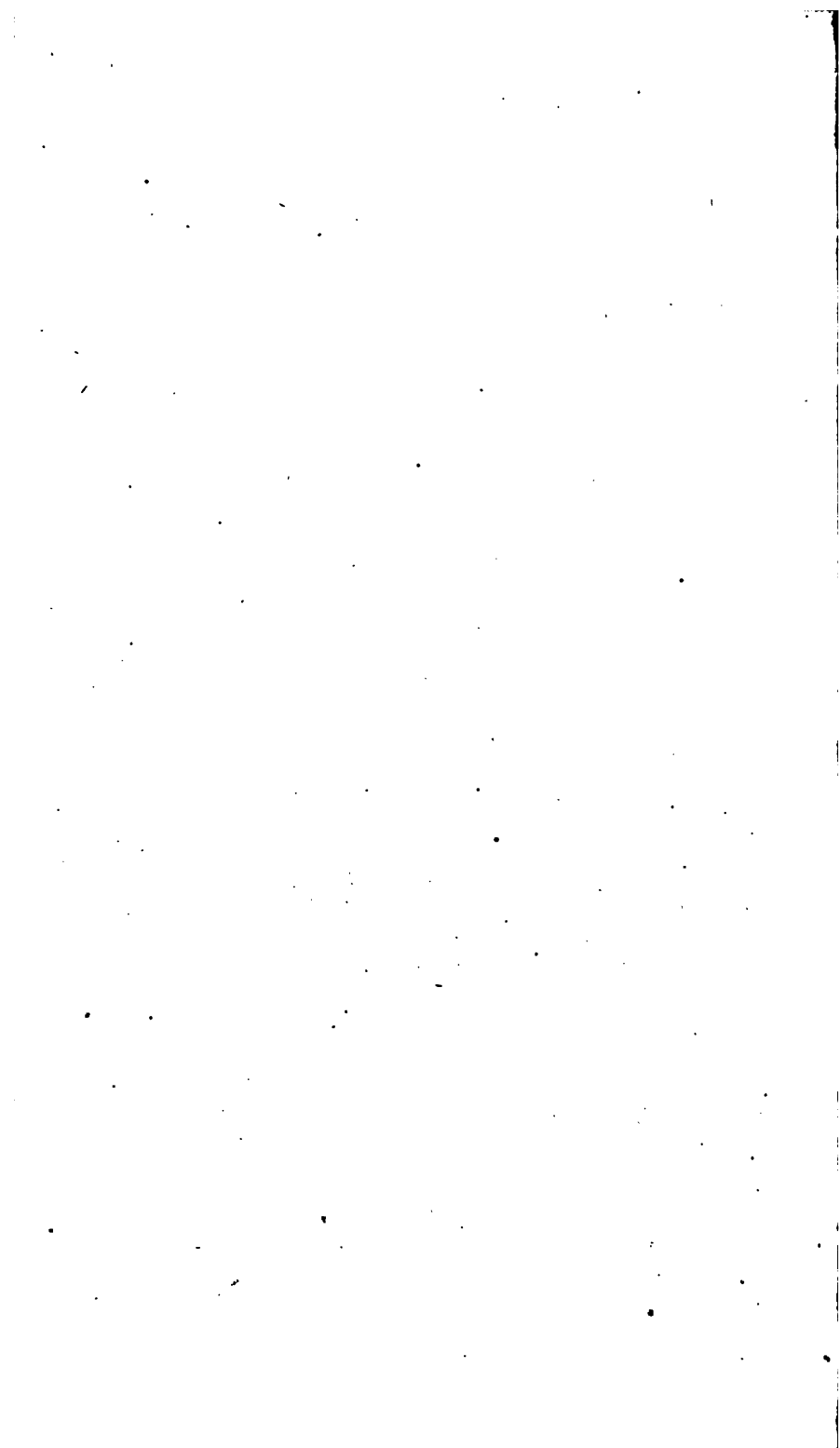
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HISTORY OF ENGLAND.

CHAP. I. CHARLES I.

THE KING IN SCOTLAND—DISCONTENT IN ENGLAND—IN IRELAND
—OPPRESSIVE CONDUCT OF WENTWORTH—IN SCOTLAND—NEW
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ENGLISH PARLIAMENTS—A SECOND WAR—SCOTS OBTAIN POS-
SESSION OF NORTHUMBERLAND AND DURHAM—GREAT COUNCIL
AT YORK—TREATY TRANSFERRED TO LONDON.

SCOTLAND, at the death of James, enjoyed a state of unprecedented tranquillity; but the restlessness and imprudence of the new king gradually provoked discontent and rebellion. It had been suggested, that he might obtain a permanent supply for his own wants, and at the same time provide a more decent maintainance for the Scottish clergy, if he were to resume the ecclesiastical property, which, at the reformation, had fallen to the crown, and during the minority of his father, had been alienated by the prodigality of the regents Murray and Morton. The first attempt failed from the resistance of the possessors; in the second, he proved more successful. The superiorities and jurisdictions of the church lands were surrendered, and a certain rate was fixed, at which the tithes might be redeemed by the heritors, and the feudal emoluments be purchased by the crown. Charles congratulated himself on the result; but the benefit was more than balanced by the disaffection which it created. The many powerful families who thought them-

Transac-
tions in
Scotland.

1626.

1628.

selves wronged, did not forget the injury; in a few years they took the most ample revenge.*

Corona-
tion in
Edinburgh.
1633.
June 12.
June 18.

The king, in imitation of his father, resolved to visit his native country. He was accompanied by a gallant train of English noblemen, and was received by the Scots with the most enthusiastic welcome. At his coronation, which was performed by the archbishop of St. Andrew's, they gave equal demonstrations of joy, though several parts of the ceremony shocked their religious feelings, and the officious interference of Laud wounded their national pride.†

Scottish
parliament.
June 20.

In a few days Charles opened the Scottish parliament, after the ancient form. A liberal supply was cheerfully voted to the sovereign—but on two points he met with the most vigorous opposition. When it was proposed to confirm the statutes respecting religion, and to vest in the crown the power of regulating the apparel of churchmen, an obstinate stand was made by all the members, who conscientiously objected to the jurisdiction of the bishops. The king sternly commanded them to vote, not to dispute, and pointing to a paper in his hand, exclaimed, "Your names are here! to-day I shall see who are willing to serve me." The lord register solemnly affirmed, that the majority had given their voices in favour of the bills; the contrary was as strenuously asserted by their opponents. The notion, that the king entertained sentiments favourable to popery, had been maliciously circulated in Scotland: the ceremonies at his coronation, and his policy respecting the church, were deemed confirmatory of the charge, and though he surrendered to the importunity of petitioners most of the money voted by the parliament, his visit served neither to strengthen the attachment, nor to dissipate the distrust of his countrymen.‡

During the six years which followed his return from Scotland, England appeared to enjoy a calm; but it was a deceitful calm, which frequently precedes a storm. He took no pains to allay, he rather inflamed that feverish irritation, which the illegality of his past conduct had excited in the minds of his subjects. Nor can it be said, in his excuse, that he was ignorant of their dissatisfaction. He saw it, and despised it; believing firmly in the divine right of kings, he

* Burnet's own Times, i. 20. Large declaration, 1—9. Balfour, ii. 128. 139. 151. 3. 4. Statutes of 1633.

† Balfour, ii. 195—199. Rushworth, ii. 181, 182. Clarendon, 1. 79.

‡ Balfour, ii. 199—201. Rushworth, ii. 182—187. Burnet's Own Times, i. 22.

doubted not to bear down the force of public opinion, by the mere weight of the royal prerogative.

He had scarcely time to repose from the fatigue of his journey, when Abbot died, and he gladly seized the opportunity to place Laud on the archiepiscopal throne.* The new metropolitan wielded the crosier with a more vigorous grasp than his predecessor. He visited his province, established uniformity of discipline in the cathedral churches, enforced the exact observance of the rubric, and submission to the different injunctions; and, by strictly adhering to the canon which forbade ordination without a title, cut off the supply of non-conforming ministers for public lectures and private chapels. After his example, and by his authority, the churches were repaired and beautified; at his requisition the judges-unanimously confirmed the legality of the proceedings in the ecclesiastical courts, and by his advice, the king in defiance of every obstacle, undertook to restore St. Paul's cathedral to its ancient splendour. In these pursuits there was certainly much commendable in itself, and becoming his station; but the jealousy of the puritans had long ago marked him out as an enemy: the most innocent of his actions were misrepresented to the public, and whatever he attempted, was described as an additional step towards the introduction of popery. A succession of written papers dropped in the streets, or affixed to the walls, or secretly conveyed into his house, warned him of the punishment which his apostacy deserved; and which the orthodoxy of his opponents was prepared to inflict.†

Conduct of
Laud.

* At this time Laud made the following entries in his diary: "Aug. 4. News came of the lord archbishop of Canterbury's death. The king resolved presently to give it to me. That very morning at Greenwich there came one to me seriously, and that avowed ability to perform it, and offered me to be a cardinal. I went presently to the king, and acquainted him both with the thing and the person. Aug. 17. I had a serious offer made me again to be a cardinal. I was then from court; but so soon as I came thither, (which was Wednesday Aug. 21,) I acquainted his majesty with it. But my answer again was, that somewhat dwelt within me, which would not suffer that till Rome were other than it is." Much ingenuity has been used to prove from these entries, that Laud had in reality no objection to be a cardinal; that he communicated these offers to the king, in hope of his approval, and refused only on account of the reluctance of Charles to give his assent. Certainly such suspicions are not warranted by the words themselves, and are completely overturned by his answer in the history of his troubles, that the person making the offer had relation to some ambassador; that he acquainted the king because he was compelled to do it by law; and that Charles himself freed him speedily both from the trouble and the danger. Laud's Troubles, 388. Diary, 49.

† Laud's Diary, 44, 47. These reports and menaces urged the archbishop to prove himself a true protestant by his vigilance against the catho-

Envoy
from the
pope.

I. It served to confirm their suspicions, that at this very time an agent from the papal court was resident in London. The controversies which continued to divide the English catholics, with re-

gard to the lawfulness of the oath enacted in the last reign, and to the expedience of episcopacy for the government of their church, had induced Urban VIII. to appoint a confidential minister, who might collect on the spot accurate information respecting the conduct and views of the two contending parties. For this purpose, he first employed Leander, an

English Benedictine monk, and subsequently Panzani, an Italian priest of the congregation of the Oratory. Panzani was graciously received by the

1634. queen, and assured, through secretary Windebank, that he might remain in safety. From his despatches it appears, that among the most zealous churchmen, there were some who, alarmed by the encreasing numbers and persevering hostility of the puritans, began to think of a re-union with the see of Rome, as the best safeguard for the church of England. Of this number were Windebank, Goodman, bishop of Gloucester, and Montague, bishop of Chichester. The latter was become an enthusiast in the cause. He conversed thrice with the Italian on the subject, and assured him that the English clergy would not refuse to the pope a supremacy purely spiritual, such as was admitted by the French catholics; that among the prelates, three only, those of Durham, Salisbury, and Exeter, would object; and that Laud, though he was too timid and too cautious to commit himself by any open avowal, was in reality desirous of such a union. Though it was plain that little reliance could be placed on the assurances made by men who had not the courage to communicate their thoughts to each other, much less to sound the disposition of their sovereign, Panzani transmitted the information to his court; and received for answer, that on a subject so delicate and important, it was his duty to hear what was said, but to abstain from giving any pledge on the part of the pontiff; and that, if these overtures should subsequently assume a more tangible shape, the negotiation would be entrusted to a

lics. In a letter to lord Strafford we are told, that he had lately accused before the council, a schoolmaster and inn-keeper at Winchester, for bringing up catholic scholars; that he had procured an order for the calling in and burning of a catholic book of instruction, entitled, *An Introduction to a Devout Life*; and that Morse, a missionary, who had distinguished himself by his attention to the sick during the contagious fever in St. Giles's, and had, by his charity, induced many to become catholics, had been tried and convicted. Strafford papers, ii. 74.

minister of higher rank and more approved experience. Panzani now applied himself to the other objects of his mission. Charles, at his solicitation, put an end to the vexations to which the catholics were still subject from the searches wantonly and maliciously made in their houses at the pleasure of the pursuivants; and was induced by the hope of benefiting his nephew, the Palatine, through the mediation of Urban, to consent to the opening of an official intercourse between the two courts, through accredited agents, who should, however, assume no public character, but appear as private individuals. For this purpose Conn, a Scottish clergyman, was sent to England as envoy to the queen, and sir William Hamilton, brother to lord Abercorn, was, with the king's consent, deputed to reside as *her* minister in Rome.* He was, however, furnished with secret instructions from Charles, to solicit the good offices of the pope in favour of his nephew; to promote the proposed marriage between the king of Poland and his niece, a daughter of the Palatine; and to obtain the papal approbation of the oath of allegiance, or of some similar disclaimer of the deposing doctrine. In case he succeeded in any of these three points, he was permitted to assure the pontiff, that the king would consent to what he had hitherto peremptorily refused, the permanent residence of a catholic bishop in England.†

II. The severity of the judgments given in the star-chamber proved another source of public discontent. The reader has seen that this supreme court was established, or at least moulded into a new form in the third year of Henry VII. for the purpose of checking the presumption of those powerful lords, who at a distance from the capital overawed the proceedings, and set at defiance the authority of the ordinary courts of law. It was made to consist of two out of three great officers of state, a spiritual and a temporal lord, members of the privy council, and two of the twelve judges; and was authorized to examine offenders, and to punish them according to the statutes of the

Trials in the
star-chamber.

* It is plain, from the original papers, that in this mission Charles had no other than political objects in view, whatever designs or hopes might be entertained by others. See Clarendon papers, i. 337. 348. 355. 445.

† See Memoirs of Gregorio Panzani (131—261.), published by Rev. Jos. Berrington. Of their authenticity there cannot be a doubt. Also Mr. Butler's Historical Memoirs of British Catholics, 3d edition, vol. ii. 310—369. It appears to me plain that Charles had no idea of a re-union between the churches. If Laud cherished such a project, he kept it to himself. Panzani never saw him; nor is there any thing in the correspondence, except the assertion of Montague, to make it appear that the archbishop was favourable to it.

realm. When it had fallen almost into desuetude, it was restored in full vigour, and with the most beneficial results, by cardinal Wolsey; and from that period continued through several reigns to grow in importance, perpetually adding to its jurisdiction, and making itself feared by the severity of its judgments.* Whatever by legal ingenuity could be tortured into a contempt of the royal authority, might be brought before it, and the solemnity of the proceedings; the rank of the judges, and the manner in which they delivered their opinions, gave it a superiority in the eyes of the public over every other judicial tribunal. But in proportion as it gained in dignity and importance, it lost in reputation. The judges (every privy counsellor was now admitted) were also in many cases the prosecutors: they generally founded their decisions on precedent rather than law; and it was believed that often the wish to humble an adversary, the necessity of supplying the wants of the exchequer, and the hope of purchasing the royal favour, induced them to punish without sufficient proof of guilt, or beyond the real demerit of the offender. Of such conduct one instance has been already mentioned in the late of Leighton; a few more may be added, which, from their influence on the subsequent events, are deserving of particular notice.

1. When bishop Williams resigned the seals, he retired, after an ineffectual attempt to regain the royal favour, to his diocese of Lincoln. There his wealth enabled him to live with princely magnificence, while his resentment led him to indulge occasionally in rash and indecorous expressions. These were carefully conveyed by the sycophants around him to the ear of his great rival Laud, and by Laud communicated with suitable comments to the king.† It had been advised by Williams that the puritans should be gained by lenity and indulgence, instead of being alienated by severity and prosecutions; and;

* Sir Thomas Smith, Commonwealth of England, l. iii. c. 3. "It was a glorious sight on a star-day, when the knights of the garter appear with the stars on their garments, and the judges in their scarlet; and in that posture they have sate, sometimes from nine in the morning till five in the afternoon, before every one had done speaking their minds in the cause that was before them. And it was usual for those that came to be auditors at the sentence given in weighty causes, to be there by three in the morning to get convenient places and standing." Rushworth, ii. 473.

† Those who wish to learn the dishonest artifices by which these two prelates sought to ruin each other in the estimation of the king, may consult Hacket's Life of Williams, comparing it with Heylin's Life of Laud. That Laud dreaded at all times the influence of Williams, is evident from his dreams respecting that prelate, which he has recorded in his Diary, 7. 8. 10. 38. 41. 48.

as the counsel had been favourably received, he hesitated not to repeat it to two officers of the high commission court. In a few days an information was filed against him in the star-chamber, for publishing tales to the scandal of his majesty's government, and revealing secrets of state, contrary to his oath of a privy counsellor. He gave in his answer, and the prosecution was allowed to sleep during four or five years, through the influence of Cottington, who began to oppose Laud. He had even appeased the king, and directions had been given to draw out his pardon, when on some new provocation the proceedings recommenced,* and an attempt having been made to weaken the credit of Pridgeon, a witness for Williams, the bishop or his agents sought to support it by inducing the witnesses against Pridgeon to revoke or amend their depositions. The attorney general immediately dropped the first information, and substituted a second, charging the prelate with the offence of tampering with the king's witnesses. After a patient hearing of nine days, the court adjudged him to be suspended from the episcopal office, to be imprisoned in the Tower during the royal pleasure, and to pay a fine of £10,000. Laud, who was one of the judges, and was considered by the public as his great enemy, took the opportunity of vindicating his own character. Delivering his judgment, he declared, that he had repeatedly interceded for Williams on his knees, but that the petitions of the bishop for favour were so far from expressing repentance and humility, that they served rather to offend than to appease his sovereign. His enemies, however, were not yet satisfied. The officers who took possession of the bishop's effects, found among his papers two letters from Osbaldeston, a schoolmaster, informing his patron, in one passage, that "the great Leviathan (Portland, the late lord treasurer) and the little urchin (archbishop Laud) were in a storm," and, in another, that "there was great jealousy between the Leviathan and the little meddling hocus pocus." This discovery gave rise to another information against Williams, for having plotted with Osbaldeston to divulge false news, to breed disturbance in the state, and to excite dissension between two great officers of the crown. On the trial it was held, that to conceal a libellous letter respecting a private individual, was lawful, but to conceal one respecting a public officer was a high offence, and the judgment of the court was, that the bishop of Lincoln should pay a fine of £5000 to the king, damages to the amount of £3000 to the arch-

1628.

1637.

July 11.

1639.

Feb. 14.

* Strafford papers, i. 480. 490. 504. 506. 516.

bishop, should make his submission, and should suffer imprisonment during pleasure.*

2. William Prynne was a barrister of Lincoln's inn, a man of a morose and gloomy disposition, deeply imbued with the doctrines of puritanism, and warmly animated against the prevailing vices of the age. He had persuaded himself that the dissolute lives of some young men among his acquaintance originated in the habit of frequenting the theatre; and to warn the public against that great and growing evil—to prove that the nation was rapidly lapsing into paganism, he wrote a ponderous volume of one thousand quarto pages, entitled *Histriomastrix*. He complained, that within the two last years not less than forty thousand copies of plays had been exposed to sale; that they were printed on better paper than most bibles, and bought up with greater avidity than the choicest sermons; and that the theatres in the capital, those chapels of the devil, had increased to six, double the number that existed in Rome under that dissolute emperor Nero. The players he represented as the ministers of Satan, and the haunters of plays as running in the broad road to damnation. His attacks were equally directed against the masks at court and the amusements of the common people. Dancing was the devil's profession, and every pace in a dance was a pace nearer hell. Dancing made the ladies of England, shorn and frizzled madams, to lose their modesty; dancing had caused the death of Nero, and had led three *worthy* Romans to put to death the emperor Gallienus. With equal bitterness he inveighed against hunting, may-poles, public festivals, the adorning of houses with green ivy at Christmas, cards, music, and perukes. Neither did the church escape. The silk and satin divines, with their pluralities, their bellowing chaunts in the church, and their ducking and cringing to the altars, were subjected to the severe lash of the satirist. Prynne had long been a marked character; Laud had already summoned him twice before the high commission court, and had twice seen the victim snatched from his grasp by prohibitions from Westminster hall.† But this last publication subjected him to the jurisdiction of a more independent court. The prelate hastened to read to the king the passages which appeared to reflect upon him and the

* Rushworth, ii. 416—449, 803—817. Howell, iii. 770—824. If we believe only one half of the account of these prosecutions, as recorded by Hacket, we must admit, that to molest the obnoxious prelate, the king and his adviser scrupled not to violate every principle, and even every accustomed form of justice. Hacket, ii. 43—140.

† *Canterburies doome*, 507. Heylin, 155. 173. 230.

queen dancing at court: and Noy, the attorney-general, was ordered to indict Prynne in the star-chamber, as the author of a [dangerous and seditious libel. It was in vain that he disclaimed upon oath any disloyal or factious intention,—any design of including the king or queen; or lords, or virtuous females, within the indiscriminate censure of his book; and that he expressed his regret for several passages, couched in language which he acknowledged to be too severe and caustic, and unjustifiable. He was adjudged by the court to be put from the bar, excluded from Lincoln's inn, and degraded at Oxford; to stand in the pillory in Westminster and in Cheapside, to lose an ear in each place, to have his book burnt before his eyes by the common hangman, to pay a fine of £5000, and to suffer perpetual imprisonment. So severe a punishment deserved and incurred the reprobation of the public: but when the puritans indulged in invectives against the court by which it was inflicted, they should have recollected the still more barbarous judgment which they had pronounced in parliament a few years before, against Floyd the catholic barrister, for a much more questionable offence.*

1632.
Feb. 7.

May 7.
May 10.

3. But prosecution did not subdue the spirit of Prynne. From his prison, in a tract entitled *News from Ipswich*, he denounced the apostacy of the prelates; attempted to prove them Luciferian lords, devouring wolves, and execrable traitors; and charged them with a long catalogue of innovations, tending, in opinion, to overthrow the pure doctrine of the gospel, and to introduce the superstitions of popery.† He found an able coadjutor in Dr. Bastwick, a fellow prisoner. Bastwick was a physician, who had written a treatise against the divine institution of bishops, under the title of "*Elenchus papismi et flagellum episcoporum Latialium*." It was a fair subject of discussion: but in the opinion of the churchmen, he had treated it more like a libeller than a divine; and in the high commission court he was excommunicated, suspended from the practice of his profes-

Of Bast-
wick and
Burton.

1635.
Feb. 12.

* Rushworth, ii. 220—241. Howel, iii. 561—586. Whitelock, 18. 22. Heylin, 230. 264. We are told, in a letter to the earl of Strafford, that Prynne immediately after the execution, "got his ears sowed on, that they might grow again as before to his head." Strafford papers, i. 266.

† These innovations were, the forbidding of sermons on the last general fast, the appointing it on Wednesday, to prevent the Wednesday lectures, the omission of a collect, and of the prayer for seasonable weather, and also of the name of the princess Elizabeth, and of her issue, in the prayer for the royal family. Rushworth, iii. App. 119—122.

sion, and condemned to pay, with the cost of the suit, a fine of £1000 to the king, to be imprisoned two years, and to make a recantation. He now wrote another tract, "*Apologeticus ad præsules Anglicanos*," and followed this up with the "*Letanie of John Bastwick, doctor of physick, being now full of devotion, and lying at this instant in Limbo patrum*,"—a strange and incoherent rhapsody, intended to expose the "faste and prophanesse of the bishops, and the fruitlesnesse and impietie of the service books."* A third apostle was found in Henry Burton, a clergyman who had been chaplain to the king before his journey to Spain, and who had since been suspended by the high commission court, for two sermons entitled, "*God and the King*," preached on the 5th of November in his own

1636.
Nov. 5.

church of St. Matthew, in London. In his defence he wrote an apology, calling on all orders of men to resist the innovations of the prelates, whom he stigmatized as "blind watchmen, dumb dogs, ravening wolves, antichristian mushrooms, robbers of souls, limbs of the beast, and the factors for antichrist."†

It might have been supposed, even by the most orthodox churchman, that the foul and scurrilous language in which these tracts were composed, would prove a sufficient antidote to the poison which they contained. But Laud, as appears from his correspondence with Strafford, had taken for his motto the words "thorough and thorough." He had convinced himself that severity alone would tame the obstinate spirits of his opponents, and he expected to enforce submission by the apprehension of punishment. But his conduct had a very different effect. It encouraged a notion that the books asserted truths which could not be refuted, and it elevated the libellers to the rank of martyrs, whose constancy under their sufferings increased

Their punishment.

* As a specimen, I transcribe the following passage, not one of the most offensive: "If wee looke upon the lives, actions, and manners of the priests and prelates of our age, and see their pride, faste, impudence, immanity, prophanesse, unmercifullnes, ungodlinesse, &c., one would thinke that hell were broke loose, and that the devils in surplices, in hoods, in copes, in rochetts, and in foure square c—t—s upon their heads, were come among us, and had b—t us all: pho! how they stinke!" P. 14.

† He reproached them with having substituted "*at*" for "*in* the name of Jesus, every knee shall bow;" with having changed the words "whose religion is rebellion," into "who turn religion into rebellion;" with the omission of the prayer for the navy on the fast day, with reading the second service at the communion table, with bowing when they entered the church and approached the table, with placing it altar-wise at the upper end of the chancel, and with having forged a new article of religion brought from Rome, that is, the disputed clause in the 21st article. Rush, iii. App. 122, --132.

the number of their disciples. At his suggestion, a criminal information was filed in the star-chamber, against Prynne, Bastwick, and Burton, for attempting to bring the government in church and state into disrepute, and to excite sedition among his majesty's subjects. Burton gave in his answer, but as it was of enormous length, and still more provoking than his former works, it was expunged as impertinent, by the advice of the two chief justices. The answers of Prynne and Bastwick were of a similar nature, offering to show that the prelates invaded the prerogative, despised the scriptures, encouraged popery and profaneness, oppressed loyal subjects, and were the servants of the devil, and the enemies of God and the king, and of every living thing that was good. But to such libels it was impossible to procure the signatures of two counsel, and without that formality, according to the rule of the court, no answer could be received. There was, indeed, an apparent hardship in thus refusing to listen to the defence of the accused; yet their defence, had it been heard, would have been deemed an aggravation of the crime, though it could hardly have added to the severity of the punishment. They were condemned to stand two hours in the pillory, to suffer the amputation of both ears, to pay severally a fine of £5000 to the king, and to be imprisoned for life.* The sentence was executed in the palace-yard, and from their pillories the prisoners harangued the multitude of the spectators, who admired their constancy, pitied their sufferings, and, at the abscission of their ears expressed a general disapprobation by groans and hisses. The proceedings of that day excited alarm in the breast of the archbishop: but that alarm, instead of teaching him the impolicy of such cruel exhibitions, only prompted him to employ additional severity. He obtained an order to remove the three sufferers from the vicinity of their friends, and the sympathy of the public; and to confine them separately in the castles of Launceston, Carnarvon, and Lancaster. To his amazement, their departure from London, and the whole progress of their journey, bore the appearance of a triumphal procession. The roads were crowded with friends and spectators,† and men contended with each

1637.

June 14.

June 30.

* Howell's State Trials, iii. 711—770.

† Laud mentions *thousands*, (Strafford papers, ii. 99.) Ingram, the subwarden, told the king that there were not less than 100,000 people gathered together to see Burton pass by betwixt Smithfield and two miles beyond Highgate. His wife went along in a coach, having much money thrown to her as she passed. Ibid. 114.

other for the happiness of addressing and entertaining the martyrs. Still the zeal of the archbishop did not relax. He ordered those who had the presumption to perform the duties of hospitality to Prynne, on his way through Chester, to be called before the high commission court at York, by which they were condemned to pay fines, some of £500, some of £300, and some of £250, and to make a public acknowledgment of their offence in the cathedral before the congregation, and in the town-hall; before the mayor, aldermen, and citizens of Chester.* As for the prisoners, it was

Aug. 27. determined to banish them out of England, but still to detain them in prison. Bastwick was sent to the isle of Scilly, Burton to the castle of Cornet in Guernsey, and Prynne to that of Mont Orgueil in the island of Jersey.

4. The proceedings in the high commission courts did not produce less discontent than those in the star-chamber. Never were the powers with which they were armed, more vigorously exercised, never were the punishments which they inflicted,

High commission court.

* See "a new Discovery of the Prelates' Tyranny in their late Prosecutions." 1641, p. 91. 97. The great impression made on the public mind by several publications, describing the conduct, and relating the speeches of Prynne, Bastwick, and Burton, at the time of the execution of the sentence, induced the court of star-chamber to publish an order for the better regulation of the press. It forbade, 1. the importation or sale of books printed beyond the seas, to the scandal of religion or the church, or the government, or of the governors of the church or state, or commonwealth, or of any corporation, or particular person or persons, under the penalty of fine, imprisonment, or other corporal punishment, by order of the court of star-chamber, or of the high commission. 2. The printing of any book whatsoever, unless it were first lawfully licensed, upon pain that the printer should be disabled from exercising the mystery of printing, and receive such other punishment as one of the two courts aforesaid should inflict. 3. It ordered that books of law should be licensed by one of the chief justices, or the chief baron; books of history and state affairs by one of the secretaries of state; books of heraldry by the earl marshal; books of divinity, philosophy, physic, poetry, and other subjects, by the archbishop, or the bishop of London, or the chancellors or vice-chancellors of the universities. All these, however, might appoint other licensers under them. 4. That every printer should affix his own name, and the name of the author, to every book, ballad, or portraiture, printed by him. 5. That there should be no more than twenty master printers besides those of his majesty and the universities; that no printer should have more than two presses, or two apprentices, unless he were warden of the company. 6. That if any other person presumed to print, or work at a press, or compose letters, he should be set in the pillory, be whipped through the city of London, and suffer other discretionary punishment. 7. That there should be no more than four letter-founders allowed. July 11, 1637. Rushworth, iii. App. 306. A more effectual scheme could not be devised to enslave the press; but whence did this court derive the power to make such a regulation?

finer, imprisonment, and costs of suits, so vexatiously multiplied, as under the present metropolitan. They professed to take cognizance of all public breaches of morality, of all words, writings, or actions, tending to the disparagement either of the religion or of the church established by law: and as in the prosecution of these duties they frequently came into collision with the courts at Westminster, the rivalry between the civil and spiritual jurisdictions, naturally begot a hostile feeling between the church and the bar. The people lived in continual dread of these inquisitorial tribunals: and there existed among them a persuasion, that many of the prosecutions were instituted not through motives of morality or religion, but for the mere sake of the fines, which were set apart as a fund towards the repairs of St. Paul's cathedral.* In one respect, indeed, the high commission court deserved the praise of impartiality: it visited with equal retribution the offences of the rich and of the poor; but this very circumstance operated to its prejudice. There might be found in every county individuals of rank and influence, who had been compelled to do public penance for incontinency, or some other scandalous vice: and these were taught through revenge, others through fear of similar punishment, to look with an evil eye upon that jurisdiction, which employed itself in humbling their pride, and interfering with their pleasures. The rigour of the archbishop produced an effect contrary to his expectations: and instead of strengthening the prelaey, he surrounded it with a multitude of enemies, ready to join at the first favourable moment, in subverting the church from its very foundations.†

* See two commissions for the repairs of St. Paul's, in *Bibliotheca Regia*, 244—268. April 10, 1632, and Dec. 20, 1634.

† See Clarendon (i. 94.) and the history of several prosecutions in this court in Pryme. (*Canterburies doom*, 93—102. One of them I shall notice on account of its singularity. The viscountess Purbeck, with whom the reader is already acquainted, had been convicted of adultery with sir Robert Howard, and adjudged to do penance barefoot, and in a sheet, in the Savoy church. She, however, contrived to escape in a man's dress, joined her paramour at his house in the country, lived with him some years, and bore him several children. In 1635, both ventured to return to Westminster. The king mentioned the fact to Laud, who apprehended them, confined the knight in the fleet, and sent the lady to the Gatehouse, with an order that she should perform her penance the next Sunday. Howard, by a friend, corrupted the fidelity of the warden; lady Purbeck escaped to Guernsey, and thence to France, and the high commission court condemned sir Robert to close confinement till he should produce the fugitive. Three months later he was liberated on his bond of £2000, never more to admit her into his presence, and of £1500 on his own security, and that of his brothers, for his appearance whenever he should be called upon. In the long parliament the lords gave him £1000 damages, £500 from the

New treasurer.

1635.
March 14.

III. In the council no man more fearlessly opposed the policy of Laud than the earl of Portland, lord treasurer. In 1635 his death freed the archbishop from a most formidable adversary; the treasury was put into commission; and Laud himself took his place at the head of the board. With his characteristic impetuosity he plunged into an ocean of business, with the nature of which he was unacquainted. He soon became the unsuspecting tool of designing men, of contractors, who offered to him projects for the improvement of the revenue, while they sought nothing in reality but their own interest; and he found himself for months together involved in daily quarrels with his colleagues, particularly with

1636.
March 6.

lord Cottington, the chancellor of the exchequer. At the expiration of the year, he advised the king to dissolve the commission, and to give the white staff to his former school-fellow, Dr. Juxon, for whom he had lately obtained the bishopric of London. The appointment excited general surprise: its object is disclosed by the remark of Laud in his diary; "Now if the church will not hold up themselves under God, I can do no more." Juxon, however, though he entered upon office under unfavourable circumstances, though he was not formed by nature or education to enforce illegal measures, or to buffet with the turbulence of the times, executed his trust with such integrity and forbearance, that he incurred a smaller degree of odium than any other member of the administration. When they were respectively censured by the long parliament, he passed through the ordeal without a stain; and carried with him from office the respect of the very men who suppressed both the order to which he belonged in the church, and the party with which he was connected in the state.*

Encroachments on the forests.

One of the great discoveries made by the commissioners of the treasury, regarded the royal forests and chases. These, which were known to have been of enormous extent in the time of the Norman kings, had in the lapse of five centuries been considerably reduced; nor was it an easy matter to ascertain whether the lands and rights now claimed by different indi-

archbishop, and £250 from Martin and Lambe, the judges of the court. See the Strafford papers, i. 390. 423. 426. 434. 447. Lords' Journals, 113. 117. Laud's Troubles, 146.

* Clarendon, i. 98, 99. Laud's Diary, 51. 53. Strafford papers, i. 431. 438. 448, 449. 479. "We begin to live here in the church triumphant; and there wants but one more to keep the king's conscience to make up a triumvirate." Ibid. 522.

viduants, were originally derived from unauthorized encroachments, or from the grants of the sovereign. The commission took advantage of the uncertainty, and the earl of Holland accepted the office of chief justice in eyre south of the Trent. With the aid of several judges as assistants, he held his court successively in the different counties: inquiries were made into the original boundaries of the forests; and the landholders were summoned to prove their titles, or otherwise to answer for their encroachments. The most alarming reports prevailed, and it was believed that the greater portion of every shire in England, with the exception of Kent, Surrey, and Sussex, would be claimed as belonging to the king. Holland's progress was stopped by the troubles which followed, but he had previously brought immense sums into the treasury by the fines which he levied, or the compositions which he extorted from the numerous individuals, who were adjudged to have trespassed on the lands or rights of the crown.*

This, though an enormous abuse, effected individuals only; there was another grievance which soon extended itself over the whole kingdom.

Ship money.

Noy, after his defection from the country party, retained that morosity of disposition, that apparent independence of character, by which he had always been distinguished. But he was easily led by flattery, and the praises given to his learning and ingenuity by the ministers stimulated him to the discovery of a new and most productive source of income. He had found among the records in the Tower, not only writs compelling the ports, on certain occasions, to provide ships for the use of the king, but others, obliging their neighbours of the maritime counties, to contribute to the expense. Hence he devised a plan, by which a powerful fleet might be procured without any additional charge to the revenue. It was a time when the right of the English crown to the dominion of the narrow seas was disputed;† the English fisheries were annually invaded by the Dutch and French mariners; unlawful captures were made by the cruisers of the different powers at war with each other, and the Turkish corsairs, in occasional descents, carried off slaves from the coast of Ire-

* Ibid. i. 410. 413. 435. 463. 467. "My lord of Salisbury was fined £20,000; the earl of Westmoreland £19,000; sir Christopher Hatton £12,000; my lord Newport £3000; sir Lewis Watson £4000; sir Robert Bannister £3000, and many other smaller sums," for encroachments on the forest of Beekingham alone. Ibid. ii. 117.

† "The purpose and main work of the fleet is to recover the dominium maris." Strafford papers, i. 416.

land.* To repel such aggressions, served as a pretext; but there was another and secret object, for the accomplishment of which Charles required a numerous fleet. He was engaged in a new treaty with the king of Spain, who offered to procure the restoration of the Palatinate, on condition that Charles would previously aid him by sea, against the United Provinces,

until they should consent to a reasonable peace.† With this view writs were issued to

London, and the different ports, ordering them to supply a certain number of ships of a specified tonnage, sufficiently armed and manned, to rendezvous at Portsmouth on the first of March of the following year, and to serve during six months, under an admiral to be appointed by

the king.‡ Noy, indeed, died before the writs were issued; but the experiment succeeded: the imprisonment of those who refused to pay their share of the expense, enforced obedience; and the council resolved to extend the measure from the maritime towns to the whole kingdom. Writs were directed to the sheriffs, informing each that his county was assessed at a certain number of ships towards the fleet for the ensuing year: that the charge was estimated at a certain sum, and that he was required to levy that sum on the inhabitants, in the same manner as the subsidies had been usually raised. By this contrivance, the king obtained a yearly supply of £218,500 and it should be observed, that he carefully devoted it to the purpose for which it was demanded; a fleet of more than sixty sail annually swept the narrow seas, and the admirals, first the earl of Lindsey, afterwards the earl of Northumberland, received orders to sink every foreign ship which refused to salute the English flag.§

He was, however, aware that though he obtained the money, his right to levy it was denied by many—was questioned by most, of his subjects. On this account, it became of importance to have the legality of the tax established by the decisions of the courts of law. Sir Robert Heath, the lord chief justice of the king's bench, was removed, and in his place was substituted sir John Finch, late speaker of the house of commons, a judge of inferior learning, but more courtly prin-

* "The pillage the Turks have done upon the coast is most insufferable; and to have our subjects ravished from us, and at after to be from Rochelle driven over land in chains to Marseilles, all this under the sun, is most infamous usage in a christian king." Ibid. ii. 25. also i. 68.

† Clarendon papers, i. 75. 83. 105. 106. 109. 125. 214. 231.

‡ Rushworth, ii. 257.

§ Rushworth, ii. 257. 259. 335. 343. Strafford papers, 337. 430. 435. 437. 463. 468.

ciples. Finch canvassed his brethren for votes; he visited each in private, and through his solicitations he obtained a unanimous resolution, that "as, where the benefit redounded to the ports and maritime parts, the charge was, according to the precedent of former times, lawfully laid upon them; so, by parity of reason, where the good and safety of the kingdom in general is concerned, the charge ought to be borne by the whole realm."* This, however, was satisfactory, only inasmuch as it laid a foundation for future proceedings. In three months, two other questions were proposed to the judges, "1. whether in cases of danger to the good and safety of the kingdom in general, the king could not impose ship money for its defence and safeguard, and by law compel payment from those who refused: 2. whether he were not the sole judge both of the danger and when and how it was to be prevented." They assembled in the hall of sergeants' inn; ten decided in favour of the prerogative; and Crook and Hutton, though they dissented from their brethren, subscribed their names on the principle that judgment of the majority was that of the whole body.†

By most of the judges it was supposed, that this opinion had been required for the private satisfaction of the royal conscience. To their astonishment the lord keeper read it to the public in the star-chamber; it was ordered to be enrolled in all the courts at Westminster; and they themselves received instructions to repeat and explain it at the assizes during their circuits. The council was anxious to make it universally known; and anticipated from its publication the most beneficial results. "Since it is lawful," observes lord Strafford, "for the king to impose a tax towards the equipment of the navy, it must be equally so for the levy of an army: and the same reason which authorizes him to levy an army to resist, will authorize him to carry that army abroad, that he may prevent invasion. Moreover, what is law in England, is law also in Scotland and Ireland. This decision of the judges will therefore make the king absolute at home, and formidable abroad. Let him only abstain from war a few years, that he may habituate his subjects to the payment of this tax, and in the end he will find himself more powerful and respected than any of his predecessors."‡

* Howell's State Trials, iii. 1204.

† Rushworth, ii. 352—358. Biblioth. Regia, 246—250.

‡ Strafford papers, ii. 61, 62.

But there still existed a man who ventured to dispute the pretended right of the crown. This was the celebrated John Hampden, a gentleman of Buckinghamshire, one so quiet, so courteous, so submissive, that he seemed the last individual in the kingdom to oppose the opinion of the judges. But under the appearance of humility and diffidence, he veiled a correct judgment, invincible spirit, and the most consummate address; and while he professed to seek nothing more than the solemn judgment of the courts of law, his real object was to awaken the people from their apathy, by the public discussion of a question which so nearly concerned their rights and liberties. Hampden had refused to pay his assessment of twenty shillings; the barons of the exchequer called the other judges to their aid, and the case was solemnly discussed before them during eleven days. In favour of the crown were adduced, 1. the practice of the Anglo-Saxon kings, and the annual tax of danegelt towards the support of the navy: 2. a multitude of precedents, proving that former monarchs had pressed ships into their service, and compelled the maritime counties to equip them: 3. the reasonableness of the claim: for unless the king possessed, in cases of danger, the right of calling on his subjects for aid, the country might receive incalculable injury before a parliament could be assembled. On the other part it was contended that no argument could be founded on the imperfect hints in our ancient writers, respecting the danegelt, or the naval armaments of the Anglo-Saxon kings: 2. that out of the multitude of precedents adduced, not one bore any resemblance to the present writs, which first ordered the inhabitants of the inland counties to fit out ships, and then to pay money in lieu of those ships: 3. that no urgent necessity could be pleaded; for the writs had been issued six months before the ships were wanted, and consequently there was sufficient time in the interval to assemble and consult the parliament: 4. that these writs were in opposition both to the statutes, and the petition of right, which provided that no tax should be levied on the subject without the consent of parliament: nor was it a valid objection, that the king could still levy an aid on the knighthood of his son and the marriage of his eldest daughter, for these cases were expressly excepted in magna charta, and virtually in the succeeding statutes. The judges took three months to deliberate. They gave their opinions in order, and at considerable length: seven pronounced in favour of the prerogative; five in favour of Hampden; but of these, two only, Hutton and Crook, denied the right claimed by the crown; the others, while they

1637.
Nov. 6.

acknowledged its existence, availed themselves of some technical informality, to decide against its exercise in the present instance.*

The termination of this great trial, which had so long kept the nation in suspense, was hailed as an important victory by the court: but it was a victory deemed unjust by the people, and ruinous in its consequences to the king. The reasoning in favour of the prerogative was universally judged weak and inconclusive; and ~~men~~ who had paid cheerfully, while they conceived the claim might be good in law, parted with their money reluctantly, after they had persuaded themselves that it was illegal. The authority of the judges had little influence: the merit of their determination rested on their arguments; and the weakness of these induced men to believe that they had pronounced according to the dictates of interest rather than of conscience.†

But Charles was not satisfied with sowing the seeds of disaffection in England; the same arbitrary sway, the same disregard of the royal word, the same violation of private rights, marked his government of the people of Ireland. Fearing that the expedition against Cadiz might provoke the Spaniards to make a descent on the island, he had ordered the Irish army to be increased to the number of 5,000 foot and 500 horse. To raise the men presented no difficulty; but to provide for their support was a problem which lord Falkland, the deputy, knew not how to solve. He called together the principal proprietors; they consented to offer the king a large sum of money in return for certain concessions; and their delegates proceeded to London to arrange with the English council the particulars of the contract. A report was immediately spread that they had been instructed to solicit certain indulgences in favour of the catholic recusants, who formed two-thirds of the meeting. The very sound of the word "indulgence" alarmed the zeal of Usher, archbishop of Armagh; he called to him eleven other prelates; and the declaration of the synod was solemnly promulgated before the chief governor, in Christ church, Dublin, by Downham, bishop of Derry. 1. That to permit the free exercise of the catholic worship would be a grievous sin, because it would make the government a party not only to the superstition, idolatry, and heresy of that worship, but also to the perdition of the seduced people, who would perish in the deluge of catholic apostacy; 2. that to

Proceed-
ings in Ire-
land.

* Rush. 480—600. Howell's State Trials, iii. 826—1254.

† Clarendon, i. 69.

grant such toleration for the sake of money to be contributed by the recusants, was to set religion to sale, and with it the souls of the people whom Christ had redeemed with his blood.*

This doctrine was undoubtedly in unison with the intolerant maxims of the time; but Charles did not balance between his orthodoxy and his interest; he gladly accepted the offer of £120,000, a larger sum than had ever been given to his predecessors, to be paid by equal instalments in the course of three years; and in return he granted, under his own hand, one and fifty graces (so they were termed) by which, in addition to the removal of many minor grievances, it was provided that the recusants should be allowed to practice in the courts of law, and to sue the livery of their lands out of the court of wards, on taking an oath of civil allegiance in lieu of the oath of supremacy; that the undertakers in the several plantations should have time allowed them to fulfil the conditions of their leases; that the claims of the crown should be confined to the last sixty years; that the inhabitants of Connaught should be permitted to make a new enrolment of their estates; and that a parliament should be holden to confirm these graces, and to establish every man in the undisturbed possession of his lands.†

The delegates returned to Ireland, with instructions to the lord deputy, who hastened to summon a parliament, before he had complied with the conditions required by Poyning's statute. The writs were undoubtedly illegal, but the error, whether it were intentional or not, might have been remedied by the issue of other writs, in a more legal form. Nothing, however, was done. The Irish, though surprised, waited with patient reliance on the honour of their sovereign; nor did it yet enter into their minds to suspect that he would receive their money, and refuse to redeem his pledge.

But the lord Falkland was not the man to carry into execution the dishonest projects of the English council. He was recalled to make place for the viscount Wentworth, who, without resigning his office of lord president of the north, accepted that of chief governor of Ireland. Wentworth brought with him to the service of his sovereign, that austerity of disposition and that obstinacy of purpose, which had formerly earned for him the hostility of the king and of his favourite. He had once been the zealous champion of the rights of the people: he now knew no rights but those of the crown. Ireland, he maintained, was

Wentworth lord deputy.

* Cyp. Anglii, 206.

† See the graces at length in the Strafford papers, i. 312.

a conquered country; whatever the inhabitants possessed, they derived from the indulgence of the conqueror; and the imprudent grants of preceding kings might at present be resumed or modified by the reigning monarch. With these principles he proceeded to Dublin, assured of the protection of Charles, and strengthened by the influence of his friend, archbishop Laud. His very arrival formed a new era in the government of the island. He ordered the ceremonial of the British court to be observed within the castle; a guard, an institution unknown under former deputies, was established; and the proudest of the Irish lords were taught to feel the immense distance which separated them from the representative of their sovereign.*

Wentworth hath endeavored to raise for the king a permanent revenue, which should free him from all dependence on the bounty of the people. But this he observed, must be the work of time; and in the interval, after he had first cajoled the catholics, and terrified the protestants into a continuation of the voluntary assessment,† he ventured to summon a parliament. Charles expressed his alarm; but the deputy had taken the most effectual measures to ensure success. With the writs he issued a hundred letters of recommendation in favour of particular candidates; and procured a royal order to the absent peers to forward blank proxies to the council, that they might be filled up with such names as he should direct. Their number was considerable. They were for the most part natives of England or Scotland, who had no other connexion with Ireland than the titles, which they had solicited or purchased from Charles or his father.‡

When the parliament was opened, the lord deputy announced his intention of holding two sessions, one for the benefit of the king, the other for that of the people. In the first he obtained six subsidies of larger amount than had ever been granted before; but the commons voted them cheerfully, under the persuasion that in the next session they should obtain the confirmation of the graces.§ They were grievously disappointed. In that ses-

Irish parliament.

* *Strafford papers*, i. 96. 112. 134. † *Ibid.* i. 71. 74. 76. 134.

‡ *Ibid.* 186, 187. 246. 259. Charles writes to the deputy, "It will not be worse for my service, though their obstinacy make you break them; for I fear that they have some ground to demand more than it is fit for me to give." P. 233.

§ In former times, a subsidy in Ireland meant a decennial tax of a mark on every plough-land which had been manured,—a condition which opened a way to innumerable frauds in the collection. On this occasion the subsidy was changed into the payment of four shillings in the pound on land,

sion he informed them, that of these favours so long promised, and so anxiously expected, some were fit to be passed into laws, and some would be carried into execution by the order of government: but that the others bore so hard on the royal claims, that the king could not in justice, or honour, or conscience, suffer them to be established. From that moment harmony was succeeded by dissention. Wentworth, with the aid of promises and threats, obtained a majority of sixteen voices; the opposition was compelled to yield, and though several laws of great utility were passed, the most important of the concessions which had been promised, as part of the contract in 1628, were peremptorily refused.*

Convoca-
tion.

From the convocation Wentworth obtained eight subsidies of £3000 each. But this ample grant could not save the Irish clergy from the mortification which had been prepared for them by archbishop Laud, who deemed it an object of the first importance to unite the protestant churches of England, Scotland, and Ireland, in the profession of the same doctrine and the observance of the same discipline. The Irish prelates demurred. Theirs, they contended, was a distinct and independent church; they owed no obedience to the archbishop of Canterbury: they were satisfied of the truth of the Irish articles, erroneous as they might appear to the enemies of Calvin, and the admirers of Arminius. The deputy sought at first to sooth their feelings. He assured them that no claim of superiority was set up by the English metropolitan; he was willing that the Irish articles, the idols of their adoration, should be suffered to die away without censure or notice; he even granted them permission to compose a new code of ecclesiastical discipline. But at the same time he required that this code, how much soever it might differ in form, should not depart in substance from that of the English church, and that one of its canons should include an unlimited admission of the thirty-nine articles. To his surprise he was informed that, in defiance of his command, the divines, intrusted with the compilation, had introduced a canon enjoining the admission of the Irish articles, under the penalty of excommunication.

and of two shillings and eight pence on goods after the manner of England. This from the commons amounted to £40,000. The subsidy of the lords was rated at four per cent. on their rents, and produced £6000. Ibid. 400. Carte's Ormond, i. 62.

* Strafford papers, 280. 312. 350. 414. The artifices employed to take from the king the odium of breaking his word, and to attribute the refusal of the graces to the advice of the council, may be seen. Ibid. 280. 317. 320.

He sent for the archbishop and the committee, took the minutes into his own possession, reproached the chairman with having acted the part of Arminius, and forbade him to make any report of the proceedings to the convocation. He then imposed on Usher the task of framing a canon authorizing the English articles; but the labour of the primate did not give satisfaction; Wentworth drew one himself, and sent it to the house, with orders that no debate should be permitted, and that the names of those who voted against it should be reported to him. One man only was found, who dared to dissent; the rest submitted with feelings of indignation and shame.* Dec. 10.

When the lord deputy reviewed the proceedings of the convocation and the parliament, he hastened to express his satisfaction to his friend, the archbishop. He had assimilated the Irish to the English church; he had eluded the confirmation of the graces; he had obtained a supply, which would not only pay off the debts of the crown, but defray for some years the extraordinary expenses of the government. "Now," he exclaimed; "I can say that the king is as absolute here, as any prince in the whole world can be, and may be still, if it be not spoiled on that side.†" His success stimulated him to carry into execution the other plans which he had formed for the improvement of Ireland. Of these the most important in his judgment was the extinction of the ancient worship, a work not to be precipitated by violence, but to be silently effected by the gradual operation of the law. Under the notion that the attachment of the lower orders to the catholic faith sprung out of their aptitude to imitate the conduct of their chiefs, he had persuaded himself that if the principal landholders could be induced to conform, the great mass of the people would spontaneously follow their example. With this view he restored to full activity the oppressive powers of the court of wards. The catholic heir, if he were a minor, was educated by order of the deputy in the protestant faith; if of age, he was refused the livery of his lands, till he had abjured his religion by taking the oath of supremacy. The abolition of this grievance had been solemnly promised by Charles in the contract

Irish court
of wards.

* *Stafford papers*, i. 298. 329. 342. 381. *Wilkins*, *Con.* iv. 496. 516.

† *Wilkins*, *Con.* iv. 344. On this account he wished to prorogue, and not to dissolve, the parliament: because he might find it useful to assemble it again. But Charles insisted on a dissolution. "My experience shows they are of the nature of cats, that they grow crusty with age: so that if ye will have good of them, put them off handsomely when they come of any age, for young ones ever are most tractable." *Ibid.* 365.

of 1628; but Wentworth, as we have seen, was careful to prevent the confirmation of that contract. He went even farther. To elude the claim of the crown to the wardships, and to prevent the necessity of suing out the livery of lands, the catholics had been accustomed to alter the property of their estates, by long leases of some hundred years, and feoffments to secret trusts and uses. But such expedients were now rendered unavailable by an act passed at the suggestion of the lord deputy, which provided that all persons, for whose use others were seized of lands, should be deemed in actual possession thereof, and that no conveyance of any estate of inheritance should be valid, unless it were by writing and enrolled in the proper court.*

New plantations projected.

The reader will have observed in the history of the last reign, that one of the chief grievances in Ireland was the insecurity of landed property, arising from the dormant and unsuspected pretensions of the crown. By the contract of 1628, Charles had consented to confirm by act of parliament the titles of the existing possessors: but he was seduced from the performance of his word by the promises held out to him by the lord deputy, who had already arranged a most extensive plan of spoliation, and intended to claim the whole province of Connaught in right of the sovereign. He pretended that Henry the Third, reserving only five cantreds to himself, had given the remainder to Richard de Burgo, to be holden by him and his heirs of the crown; that the rights of Richard had passed by marriage to the duke of York, the grandfather of Edward IV., and that they had descended from that prince to his legitimate successor, the reigning monarch. In the county of

1635.

July 10.

Roscommon a jury of freeholders, intimidated by his menaces and presence, returned a verdict in favour of the crown; the same was the result in those of Mayo, Sligo, Clare, and Limeric; but the men of Galway refused to surrender the inheritance of their fathers: they pleaded that the grant of Henry was confined to the royalties, and did not affect the lands; and they contended that the descent of Edward IV. from Richard de Burgo could not be

* This he observes "was a mighty consideration, for formerly by means of their feoffees in trust, their persons almost never came in ward, and so still bred from father to son in a contrary religion, which now, as they fall in ward may be stopped and prevented." Wilkins, Con. iv. 344. Also 192. 312. 317. "Its consequence appears in the person of the earl of Ormond, who, if bred under the wings of his own parents, had been of the same affections and religion his brothers and sisters are; whereas now he is a firm protestant." 11. 18.

proved, that one important link in the chain was wanting. They were all catholics, and Wentworth had already expressed a hope that their obstinacy would afford him a pretext to mulct them more severely than the inhabitants of the other counties. He was gratified: August. the jury found for the freeholders: and he immediately fined the sheriff £1000 for returning such an inquest, and sent the members before the Castle-chamber in Dublin, where they were severally fined £4000, and consigned to prison during his pleasure. Wentworth now issued a proclamation offering the royal favour to all who would voluntarily surrender their lands, and threatening actions in the court of exchequer against the refractory. Instead of submitting they appealed to the equity of the king, first contending that the evidence given on the trial was in their favour, then proposing that the question should be submitted to the decision of the English judges, and lastly, offering to pay a fine of £8000 for the confirmation of the composition, which their fathers had made with the crown in the reign of Elizabeth. But Charles acted by the directions of the deputy. The delegates were arrested by his orders, and sent prisoners to Dublin; and the freeholders, deprived of all hopes of obtaining justice, successively made their submission. According to the original plan, it had been intended to return three fourths of the lands to the possessors, and to reserve the remaining fourth, no less than 120,000 acres, for the crown, to be planted with Englishmen, on conditions which would bring a considerable yearly revenue into the exchequer: it was now proposed that the men of Galway should forfeit a larger portion, a full half, in punishment of their obstinacy. Wentworth, in the prosecution of his design, had ordered the necessary admeasurements to be made; but he was prevented from proceeding by the events which soon afterwards deprived him of life. Enough, however, had been done to awaken a general feeling of discontent, and to alienate the affections of the natives from a government which treated them with so much deceit and oppression.*

The personal enmities of the lord deputy formed an additional cause of complaint. He was of a temper jealous, haughty, and impatient of contradiction. The slightest resistance to his will, the semblance of contempt of his authority, was sufficient to kindle his resentment; and from that moment, the unfortunate offender

Prosecutions.

* *Strafford papers*, i. 421. 442. 450. 464. 476. 494. 521.—ii. 36. 76. 82. 93. 98.

was marked out for ruin. He adopted the same motto with archbishop Laud: the word "thorough" was echoed back from one to the other in their private correspondence; and the subject of their mutual exhortations was the rejection of half measures, and the necessity of enforcing obedience by the terror of punishment. In conformity with these maxims, Wentworth spared no man whom he thought hostile to his views: and his resentment fell with peculiar severity on almost every individual whom he found in the possession of office at his arrival. It must be admitted that they were not immaculate characters: in a government like that of Ireland, where fortunes were continually made at the expense of the crown or of the people, few public men could bear a close investigation into their conduct;* but their real offence consisted not in their previous peculations, it was their want of zeal to concur with the deputy, their unguarded disapprobation of his measures, which entitled them to his enmity.

It happened one day that Annesley, a lieutenant in the army, who had once been caged by Wentworth in a paroxysm of passion, placed a stool on his foot at a time when he was suffering from the gout. The circumstance was casually mentioned at the table of the lord chancellor, and lord Mountnorris, the vice-treasurer, exclaimed, "Annesley has a brother who would not have taken such a revenge." These words were reported to Wentworth, who was dissatisfied, and perhaps justly, with the conduct of Mountnorris in his office. He dissembled for a time, but six months later the vice-treasurer, (he bore a captain's commission) was summoned before a court martial, on a charge of mutiny founded on this very expression. The deputy appeared both as prosecutor and president; and though he took no part in the deliberation of the court, pronounced the judgment, that the prisoner had been guilty of a breach of the thirteenth article of war, and should therefore suffer death. He did not, however, carry it into execution. He had sufficiently humbled Mountnorris; and, since his pride had been gratified, he joined with the court in recommending him to the king as a fit object of mercy.†

1635.
Dec. 12.

* Of Balfour in particular, we are told by Wentworth, that "he had done as many outrages and grievous misdemeanors, as ever vizier basha had done under the grand seignor. There was not such a tyrant in the king's dominions, who, utterly drunk with the vice of violence, had with unequal and tottering paces trod down his majesty's people on every side." *Strafford papers*, ii. 245.

† *Strafford papers*, ii. 392. 448. 497—501. 508. 509. 512. 514. 519. *Clarendon papers*, i. 449. 543. 594.

Men had long complained of Wentworth's despotism: this last act of oppression seemed to unite every voice against him. Though Charles assured him of his protection, he deemed it expedient to answer his accusers in person; and having obtained permission to visit his estates in Yorkshire, improved the opportunity to pronounce before the king and council an elaborate, and, in many respects, a plausible defence of his administration. He had bettered, he observed, the condition of the clergy, had disciplined the army, had improved the revenue, had purified the courts of justice, had cleared the seas of the pirates, and had encouraged the growth of flax and the manufacture of linens.* Insinuations had, indeed, been thrown out, as if he had treated with undue severity the most faithful officers of the crown. But it should be recollected that Ireland was not, as England, a country where men had been taught by habit obedience to the laws. There the authority of the king had been perpetually controlled by the influence of his servants. To re-establish order it was necessary to make the highest subjects feel that they were amenable to the law; and to teach all, by the punishment of a few, that under a wise and righteous monarch, no rank, no wealth, no connexions, could screen the guilty from the retribution due to their transgressions. Charles applauded the vigour of his deputy; and Wentworth returned in triumph to Ireland.† If we consider him merely as a servant, with no other duty to perform than to seek the immediate profit of his master, he was certainly deserving of the praise and gratitude of the king; but he had broken the royal word to the natives, had harassed them by fines, compositions, and plantations, and had incurred the hatred of all ranks of people, whatever was their origin or whatever their religion.

Wentworth's apology.

Much, however, as the people of Ireland and England were aggrieved, they betrayed no disposition to oppose open force to the unjust pretensions of their sovereign: it was in Scotland that the flame was first kindled, which gradually spread, till it involved the three kingdoms in one common conflagration. When Charles returned from his visit to his native country in 1633, he brought back with him strong feelings of resentment against the lords

Scotland.

* He had spent £1000 in the purchase of flax seed, and had procured workmen from Flanders; but at the same time he endeavoured to root out the manufacture of wool, that the Irish might not be able to compete with the English, but should be obliged to depend on them for clothing. Clarendon papers, ii. 19.

† Clarendon papers, ii. 16—21.

who had ventured to oppose his favourite measures in parliament. Among these one of the most distinguished for his patriotism or obstinacy was the lord Balmerino, who was soon made to learn that the pleasure of the sovereign could not be resisted with impunity. During the parliament, a petition in favour of the dissidents had been prepared, though on consideration it was deemed prudent not to present it. It was drawn in language which must have proved ungrateful to the royal ear, and abounded in offensive insinuations, which it is acknowledged, were incapable of proof. Some copies of this instrument crept afterwards into circulation, and one of them was traced to Balmerino, who had in confidence and under a promise of secrecy, communicated it to a friend. Spottiswood, archbishop of St. Andrews, hastened with the information to London: and it was resolved to prosecute the obnoxious nobleman on two statutes passed in the late reign, by one of which to utter slander against the king's person, estate or government, by the other not to apprehend or reveal the known author of such slander, were made crimes punishable with death. The exceptions taken against the dittay or indictment, were repelled by the court: and the fact of Balmerino's guilt as to the concealment of the author, was affirmed by a majority of eight jurors against seven. But judgment of death was not pronounced: the people assembled in crowds; and plans were arranged to massacre both the jurors who had given the verdict, and the judges who had presided at the trial. Traquaire, the lord treasurer, hastened to procure a respite: the dissatisfaction of the people, the novelty of the prosecution, and the cruelty of inflicting capital punishment, where opinion was so divided as to the guilt or innocence of the prisoner, were repeatedly suggested to the royal consideration; and Charles, after a delay of some months, ungraciously and reluctantly signed a pardon. That resentment had some share in this most odious prosecution cannot be doubted: but the king failed in his principal object: he sought to intimidate, to tame the stubborn spirit of his countrymen, and to bend their necks to that yoke which was already prepared for them by archbishop Laud and a junto of Scottish prelates. But the danger of Balmerino produced an opposite effect. The people could not be persuaded that he had been guilty of any other offence than his previous advocacy of their rights and religion: warned by his example they resolved to stand by each other: they watched with jealousy every proceeding of the court: and were ready, on the first

Trial of
Balmerino.

1634.
Oct. 14.

Dec. 20.

1635.
Mar. 30.

provocation, to unite as one man, in the defence of their liberties and of their kirk.*

The king's father in 1616 had extorted from the general assembly an act authorizing the composition of a book of common prayer, and a code of ecclesiastical law; two concessions most hateful to the feelings of orthodox Scotsmen, because the one tended to abolish the use of extemporary prayer, the other to subject the conduct of ministers to the control of the bishops. A liturgy, however, was compiled: it received several corrections from the pen of the royal divine, and was sent back to Scotland for the further consideration of the prelates. But the disrepute in which the assembly of 1616 was held, and the resistance which had been made to the five articles of Perth, damped the zeal both of the king and of the bishops: and the project seemed to have died away, when it was afterwards revived in 1629 by the piety or policy of Charles.† Laud, indeed, laboured strenuously to establish at once the English liturgy: but his reasoning and influence were compelled to yield to the obstinacy of the Scottish bishops, who deemed it a disgrace to their country to owe either the service, or the discipline of their church, to their English neighbours. To four of the prelates, whose principles or subserviency had lately raised them to the episcopal dignity, the king assigned the task of compiling the code of ecclesiastical law, and the form of public worship, but with instructions that the first should combine a selection from the acts of the Scottish assemblies, together with the more ancient canons, and that the second should carefully preserve the substance, though it might recede in a few unimportant particulars from the English liturgy. Each, as soon as it was completed, was submitted to the revision of the prelates of Canterbury, London, and Norwich; several corrections and improvements were suggested and admitted, and the amended copies received the royal approbation. Charles ordered both to be published and observed: but the canons made their appearance nearly a year before the service.‡

New service book.

* Howell's State Trials, iii. 591—712. Balfour, ii. 216—220. Burnet's own times, i. 25. Laud's Troubles, 94. The justice general "found and declared that Balmerino had incurred the pain of death contained in the acts of parliament," (State Trials, 712.) "but the sentence pronouncing against him was delayed, sore against the bishop's will, (quho raged lyke a tempestuous sea therat) wntil his majestie should be advertised." Balf. ii. 219.

† Though the covenanters attribute this "novation" to Laud, he solemnly declares in the history of his troubles, that he received the first notice of it from the king during his sickness in 1629. Laud's Troubles, 168.

‡ Bibliotheca Regia, 125—138. The fourth canon of chapter viii. pro-

1635.
Oct. 18.
It is op-
posed.

It was certainly a bold and chivalrous attempt. Charles had no right to impose on the nation a new form of worship, or new rules of conduct abhorrent from its religious habits and persuasion. He was not by law the head of the church: he had not obtained the sanction of the assembly or of the parliament; nor could he expect that the Scottish clergy would resign at the mere pleasure of the sovereign, their legislative power, or the use of extemporary prayer.* They cherished these privileges as belonging to them of divine right: they boasted that they were not fettered and shackled with forms and rubrics: they claimed the right of introducing all subjects of local or national interest into their addresses to heaven, and of kindling the passions of their hearers by the solemnity of their appeals to the knowledge and justice of the Almighty. The book of canons had warned them to be on their guard: and the moment the liturgy was announced, woes and curses were showered from every pulpit on the heads of the men, who sought "to gag the spirit of God, and to depose Christ from his throne, by betraying to the civil magistrate the authority of the kirk." These denunciations created a spirit of the wildest fanaticism: but while resistance was threatened and prepared, the leaders, with a degree of caution which seldom accompanies religious enthusiasm, contrived to eschew danger to themselves by transferring the pious task "to the christian valyancie of the godly women."

Tumult.
July 23.

On the appointed day the bishop and dean of Edinburgh, accompanied by the lords of the council, the judges, and the magistrates, proceeded to the high church, which had been selected for the cathedral. It was already crowded, and chiefly with females. From the moment the dean commenced the service, nothing was to be heard but groans, hisses, and imprecations. The women of all ranks began to exclaim that "the mass was entered, that Baal was in the church:" they upbraided the minister with the most injurious names and epithets: they brandished at him the stools on which they were accustomed to sit; some even threw them in the direc-

vides that "as no reformation in doctrine or discipline can be made perfect at once, it shall be lawful for the kirk at any time to make remonstrances to his majesty," &c. The Scottish bishops deemed this canon of great importance, and begged it might not be altered. Laud approved of it, and expressed his satisfaction that "its true meaning remained still under the curtain." Dalrymple, ii. 13. Laud's Troubles, 101.

* The king enjoined both the book of canons and the new service by "his authority royal." Bib. Regia. 136. 138. Balfour, ii. 224.

tion of the pulpit.* The dean, alarmed at the tumult, resigned the post of honour to his superior in dignity and courage, the bishop: but no sooner did that prelate open his mouth, than his voice was drowned amidst cries of fox, wolf, belly-god, (an allusion to his corpulency,) and in a few moments a stool, which flung from a strong arm, whizzed close by his ear, admonished him to make a precipitate retreat. In this stage the magistrates by their exertions succeeded in excluding the most riotous from the church: the doors were locked, and the service proceeded amidst repeated interruptions from showers of stones which demolished the windows, and from the loud cries from the people without, of "a pape, a pape, anti-christ, stane him, pull him down." At the conclusion the prelate departed in haste to his lodgings, which were at a small distance: but he was overtaken by a crowd of female saints, who threw him on the ground, and rolled him in the mire. In the afternoon precautions were taken, and the service was read with little interruption to a thin and select auditory: but the bishop on his appearance in the street, would have met with the fate of St. Stephen, had not the earl of Roxburgh snatched him from martyrdom, and afforded him an asylum in his carriage. The women, however, followed, shouting and hurling stones, till the gates of Holyrood-house closed upon him, and disappointed the vengeance of his pursuers.†

Such an outrage under a vigorous government would have been met with prompt and adequate punishment: but the ministers of the crown in Scotland were slow to engage in a contest in which they felt no interest, and the issue of which seemed more than doubtful. They saw that a strong prejudice

* "Ane godly woman when sche hard a young man behind sounding forth *amen* to that new composed comedie, sche quicklie turned her about, and after sche had warmed both his cheeks with the weight of her hands, sche thus shot against him the thunder-bolt of her zeal: 'false thief,' said sche, 'is there na uther pairt of the church to sing mess in, but thou must sing it at my lugge?'" Balfour, *Stonie field day*.

† Compare Nalson, i. 6—8. Guthry, 23. Baillie, 5. Clarendon, i. 109. with several original passages collected by the industry of Mr. Brodie, ii. 452. It appears that the women in all places were put in the front of the rioters. In the synod of Glasgow, William Arman had, in a sermon, spoken favourably of "the buke." "At the outgoing of the church about thirty or forty of our honestest women, in one voice before the bishops and magistrates, fell a railing, cursing, scolding, with clamours on Mr. Annan. . . . He is no sooner in the street at nine o'clock, in a dark night, with three or four ministers with him, but some hundreds of enraged women of all qualities are about him with neaves, staves, and peats, but no stones. They beat him sore. His cloak, ruff, and hat were rent. However he escaped all bloody wounds, yet he was in great danger even of killing." Baillie, 8.

against episcopacy existed among their countrymen; that the restoration of the order was connected in the minds of the nobility with the probable loss of the church lands still in their possession; and that the introduction of eight prelates into the council, the appointment of one to be chancellor, and the power assigned to them of choosing the lords of the articles in the last parliament, had excited jealousies and apprehensions in the higher as well as in the lower classes.* Under such discouraging circumstances they shrunk from the contest, and left the execution of the royal will to the earl of Traquair, the treasurer; an unwelcome and invidious task, which drew on him the resentment of his countrymen, without securing to him the gratitude of his sovereign. The failure of every measure prescribed by Charles induced the prelate party to accuse him of treachery: his best justification will be found in the conduct of their opponents, who pursued him with unrelenting hatred, as their most vigilant and most dangerous opponent.

Establish-
ment of the
"Tables."

Aug. 23.

Oct. 18.

Nov. 15.

If the proceedings in Edinburgh excited the astonishment of the king, his indecision allowed the gradual formation of an authority, to which, after a long struggle, he was compelled to submit. Four ministers had petitioned against the order to read the new service: the answer was deferred: their numbers increased: and a second delay multiplied the petitions to sixty-eight. Edinburgh was crowded with thousands from every part of the kingdom: and the recurrence of religious riots, which nearly conferred the crown of martyrdom on the lord treasurer and two of the bishops, induced the council to assent to a proposal, that for the preservation of the peace, the petitioners should be represented by a deputation permanently resident in the capital. The nobility, the gentry of the counties, the clergy of the presbyteries, and the inhabitants of the burghs, chose severally a "table" or board of representatives, and from each table, four members were selected to form a committee of superintendence and government, with power to collect the opinions of the others, and to decide on all questions in the last resort. With these five boards in the capital, corresponded others in the country;

* "I find this the prime reason of the nobility's proceedings—eight of the bishops being lords of the articles, who had the power to chuse other eight of the nobility, whom they knew most addicted to his majesty, and these sixteen the rest, so that all depended upon them, and they upon his majesty." Dalrymple's Memorials, 47.

their orders were received with respect, and executed with promptitude; and in a few weeks the tables possessed and exercised an uncontrolled authority throughout the greater part of Scotland. The contrivers of this plan, and the leading members of the committees, were the earl of Rothes, Balmerino, Lindsey, Lothian, London, Yester, and Cranston.*

As the petitioners grew in numbers, they advanced in their demands. They required the formal revocation of the liturgy, of the book of canons, and of the court of high commission. They accused the bishops as the authors of the troubles which agitated Scotland: they "declined" their authority; they protested against every act of council, to which any of the prelates should be parties. At the expiration of seven months Traquair was ordered to publish a proclamation in Edinburgh and Stirling, declaring the tables unlawful, pardoning all who should peaceably return to their homes, and commanding all strangers to depart under the penalty of treason. But the petitioners were previously acquainted with this order; they met in considerable numbers both in Stirling and Edinburgh; and as soon as the herald had performed his office, read and affixed to the market-cross a counter protestation. This extraordinary procedure was held a sufficient ground to disobey the royal command.†

Petitions.

1638.
Feb. 19.

But the leaders of the anti-episcopal party adopted another and most efficient expedient. They composed a new covenant. It commenced with one of more ancient date, containing a general profession of faith, and a minute abjuration of the doctrines and practices attributed to the church of Rome: to it was appended an enumeration of all the acts of parliament which confirmed the tenets and discipline of the kirk, and inflicted punishment on its opponents: and then followed the vow, in which the subscribers bound themselves, "by the great name of the Lord their God," to defend the true religion, to resist all contrary errors and corruptions, and to stand to the defence of the king, his person and authority, in preservation of the religion, liberties, and laws of the kingdom: a clause which, by limiting the obedience of the subject, was construed to authorize re-

A new
covenant.

* Baillie, 9. 10. 15. 23. 25. Rushworth, ii. 394. Hardwicke papers, ii. 96. 103. Burnet, Memoirs of Hamilton, 53. Nelson i. 16—18. It is plain that the consequences of his obstinacy were pointed out to the king by the council in Edinburgh. Hard. pap. ii. 95—100. Balfour, ii. 229—238.

† Baillie, 18. 28. 29. 34. 42—44. Large declaration, 48. Hardwicke papers, ii. 97—101. Rushworth, ii. 406. Nelson, i. 20—27.

bellion, whenever the measures pursued by the sovereign should be represented by the tables as contrary to the laws, or liberties, or religion of Scotland. By orders from the committees, every Scotsman who valued the pure faith and discipline of the kirk, was summoned to the capital to observe a solemn fast, as a preparation for the renewal of the

March 1. covenant between Israel and God: and on the appointed day zealots of each sex, and of every rank and profession, from the highlands as well as the lowlands, crowded to the church of St. Giles. The service began with a long exhortation and most fervent prayer: the congregation rose; and all with arms outstretched to heaven swore to the contents of the covenant. They shouted, wept, and embraced each other; God was appeased; their backsliding and apostacy were forgiven. From the capital the enthusiasm quickly diffused itself to the extremities of the kingdom; and the number of the covenanters in every county exceeded that of their opponents in the proportion of a hundred to one.*

Hamilton
commis-
sioner.

James, on his accession to the English throne, had established a privy council of Scotsmen, charged exclusively with the affairs of their native country. By the advice of this council, after three months had been spent in deliberation, Charles resolved to suppress the covenant by open force; and in the interval, while he made preparations for the contest, to send the marquess of Hamilton, as his commissioner, to Scotland. Hamilton was instructed to promise that "the practice of the liturgy and the canons should never be pressed in any other than a fair and legal way, and that the high commission should be so rectified as never to impugn the laws, or to be a just grievance to loyal subjects;" and that the king, instead of punishing those who had lately taken an illegal covenant, would pardon the offence, on condition that they should immediately renounce it, and deliver up the bond to the commissioner.

* Baillie, 35. Rushworth, ii. 754—778. Guthry, 34. 35. Hardwicke papers, ii. 103. 107. "If you knew what odd, uncouth, insolent, and ridiculous courses they use to draw in silly ignorant fools, fearful fashards, women and boys, I can hardly say whether it would afford his majesty more occasion of laughter or anger. "You could not have chused but laugh to have seen pipers and candle-makers in our town committed to the town-jail by our zealous Mr. Mayor; and herdmen and hiremen laid in the stocks up and down the country, and all for refusing to put their hand to the pen, as a thousand have done, who cannot write, indeed; and yet you would have laughed better to have seen the wives in Edinburgh, so many of them as could not subscribe hold all up their hands when the covenant . . . was read, as soldiers do when they pass a muster." Dalrymple, ii. 25.

As he approached, a national fast was enjoined to beg the blessing of God upon the kirk; and twenty, some say sixty, thousand covenanters, with five hundred of their ministers, received him at Leith, and conducted him to the capital. Alarmed at their union, and pretensions, and obstinacy, he concealed his instructions; made two successive journeys to London to convey information, and receive the commands of his sovereign: and on his second return published a proclamation "discharging" the service book, the book of canons, and the high commission court, dispensing with the five articles of the assembly of Perth, excusing the intrants into the ministry from the oath of supremacy and of canonical obedience, commanding all persons to lay aside the new covenant, and to take that which had been published by the king's father in 1589, and summoning a free assembly of the kirk against the month of November, and a parliament against that of May in the following year.*

June 3.

June 10.

Sept. 17.

Sept. 23.

* These were concessions which, at an earlier period, would have been accepted with gratitude. But it was the misfortune of Charles not only to act with insincerity himself, but to be surrounded by counselors equally insincere, who, while they sought to obtain his favour, by conforming their advice to his wishes, were careful at the same time to purchase the good opinion of his adversaries, by perfidiously communicating to them his real intentions. The Scottish leaders received information that no reliance was to be placed on this apparent change of disposition in the monarch; that his object was to lull them into a fatal security, till he had completed his preparations for war; and that in a few months he would enforce whatever he had now withdrawn, at the head of a numerous and well appointed army. They determined to persist in their union; and opposed to the royal proclamation a formal protest, showing by sixteen reasons that to assent to the demands of the king would be to betray the cause of God, and to act against the dictates of conscience.†

Concessions refused.

Sept. 22.

* Baillie, 60. 79. Balfour, ii. 264—288. Rushworth, ii. 752. 754. 787. Burnet's Hamiltons, 82. 88. Nalson, i. 32—57. That Charles meant only to temporize appears from the Strafford papers, ii. 181. 184—186. 188. and his letters to Hamilton, "Your chief end being now to win time, that they may commit public follies, until I be ready to suppress them." Burnet's Hamiltons, 55, 56, 57. 59, 60.

† Rushworth, 772—780. Nalson, i. 64. Balfour, 292. There is in Dalrymple a curious letter of information from some friend to the covenanters,

Assembly at Glasgow. It was expected that Charles would forbid the meeting of the assembly; but he ordered the commissioner to attend, in hope that the violence of the members would provoke him to dissolve it, and would justify, in the opinion of his English subjects, his intended appeal to arms. The tables were masters of the elections: they procured one lay elder and four lay assessors, to be returned from every presbytery; and thus, with the aid of their friends, became sufficiently numerous to control

Nov. 21. the few among the clergy, who hesitated to approve of their proceedings. The assembly met at Glasgow, and a week was spent in violent and irritating debates. The commissioner protested against the part taken by the tables in the elections, against the introduction of the lay elders, a practice discontinued since the beginning of the last reign, and against the authenticity of certain written volumes which were produced, as containing the acts of the more ancient assemblies, acts hitherto supposed to have been lost, but now most providentially discovered. On every subject he was overpowered by numbers: and when Hendersom, the moderator, prepared to put the question respecting the declinator of the bishops,* he conceived that the moment described in his instructions was come, and sudden-

Nov. 29. ly rising, dissolved the assembly. His manner, his tears, and his language, persuaded the members, that if his voice was against, yet his heart was with them; but if we may believe his letter to the king, his distress arose from the calamities which he saw ready to burst on his country. He blamed both parties, the presumption and disobedience of the covenanters, the illegal proceedings, the ambition and the immorality of several among the bishops; and conceiving his life in danger, bequeathed his children to the care of his sovereign, that the sons might be bred, and the daughters married, in England. He added, that from Scotland he wished to be divorced

for ever.*

But the members were not inclined to disperse at the mere mandate of the sovereign. Encouraged by the accession of

which shows that many Englishmen wished success to the Scots, with the view of emigrating to Scotland, that they might not be compelled to conform by the prelates in England. The writer therefore begs, that whenever they agree to a pacification, one article may be that the subjects of each kingdom may freely dwell in the other. ii. 42.

* The declinator was a protestation against the authority of the assembly. It is in Nalson, i. 249.

† Hardwicke papers, ii. 113—121. Baillie, 96—115. Rushworth, ii. 840—857. Balfour, 301—303.

the earl of Argyle, who from that moment became the head of the covenanters, they passed a resolution that in spiritual matters the kirk was independent of the civil power, and that the dissolution of the assembly by the royal commissioner was illegal and void. The three next weeks were employed in the revision of every ecclesiastical regulation introduced since the accession of James to the crown of England. The liturgy, ordinal, book of canons, and court of high commission were condemned; episcopacy was abolished; and the bishops themselves, with the ministers, the known fautors of the bishops, were excommunicated or deprived. Charles by proclamation annulled these proceedings: the Scots received them with transports of joy, and celebrated a day of national thanksgiving for their delivery from prelacy and popery.*

Dec. 20.

While the covenanters thus steadily pursued the abolition of episcopacy, they were not inattentive to the danger which threatened them from England. Their preparations for war kept pace with those of their sovereign. The supreme committee in Edinburgh issued its commands to the inferior boards in the several presbyteries; and religious enthusiasm ensured obedience. Every man capable of bearing arms was regularly trained; officers, who had grown old in actual service, hastened from the Swedish and Dutch armies to animate and exercise their countrymen; and arms and ammunition were furnished by the Scottish merchants in Holland. Money was the principal desideratum. A scanty supply was obtained from some of the rich citizens in Edinburgh: many of the nobility sent their plate to be coined at the mint; and a liberal present was received from a secret and unexpected friend, the cardinal Richelieu. That minister had long sought an opportunity to take revenge on the English throne for the aid so often supplied to the French huguenots, when they rose in arms against their sovereigns; and on Charles in particular, for his recent opposition to the meditated reduction of Dunkirk by the king of France. On this account, he twice sent Chambers, his almoner, to Scotland, that he might inquire into the origin and progress of the troubles; procured the release of 6000 stand of arms, which had been bought for the covenanters, and seized by the states of Holland; and ordered the French ambassador in London, to pay one hundred thousand crowns to general Lesley, who

Prepara-
tions for
war.1539.
Jan. 5.

* Hardwicke papers, ii. 124. Baillie, 115—149. Rushworth, ii. 872. 875—881. Nalson, i. 97—120. Balfour, 303—315.

had recently returned from Germany, and had been appointed commander-in-chief.* But the last transaction was kept a profound secret. Had it been known to the ministers, their bigotry would have pronounced it a sacrilegious violation of their covenant with the Almighty. Already, when it was proposed to solicit assistance from the Lutheran princes of Germany, and the catholic kings of France and Spain, they had replied that the Lutherans were heretics, the catholics idolaters: and that to have recourse to either, would be to refuse the protection of God, and to lean to the broken reed of Egypt.†

It was not till after the first return of the marquess of Hamilton from Scotland, that Charles deigned to ask the advice of his English counsellors.‡ Laud, whether it was through a sense of duty, or through apprehension of the result, surprised his colleagues by the earnestness with which he argued in favour of peace. But his opposition served only to procure a short delay. The king had long ago taken his resolution: the archbishop was reprimanded for his pusillanimity; and the majority of the council hastened to determine in conformity with the pleasure of the sovereign. In the beginning of December the captains were named, and the general officers appointed; the lords lieutenants received orders to muster the trained bands of the several counties, and the lord keeper sent a summons to each peer to wait on the king at York with a retinue suitable to his rank. To procure money loans were made, the payment of pensions was suspended, the clergy, judges and lawyers were called upon to contribute with their purses in lieu of their personal services; and the queen employed all her influence with the leaders of the catholics, to obtain from them a liberal subscription in return

* Dalrymple, ii. 47. *Nouvelles lettres d'Estrades*, i. 8. The earl of Leicester, at Paris, had discovered some trace of this intrigue, but was unable to follow it up. Sydney papers, ii. 562. 572. 596. 599.

† Baillie, i. 154.

‡ It has been believed on the credit of the charges against Laud and Strafford, that they were the real authors of the war. It will, however, appear from a careful examination of their private letters and other contemporary documents, that Laud dissuaded hostilities, and that Strafford's advice was never asked. The king inquired what aid he might expect from Ireland: and Strafford, in answer to a second letter, promised to send 500 men. He acknowledged, indeed, that the presumption of the Scots ought to be checked, but advised a middle course, so as neither to submit to their will, nor to make a rash and sudden declaration of war. See Laud's *Troubles*, 76, 168. Sydney papers, ii. 579. Strafford papers, ii. 187. 190. 228. 233. 264.

for the indulgence which they had experienced from their sovereign;*

Charles, however, could not but remark the visible indifference of his English subjects. To the majority, discontented with the illegal tenor of his government, it was a matter of little concern, perhaps of real satisfaction, that the Scots refused submission to his mandates: the puritans openly condemned the war as an impious crusade against the servants of God; and the only persons who seemed to interest themselves in the cause, where the more orthodox of the clergy, and the few men of wealth and importance who depended on the favour of the court. It was in vain that the king by different proclamations pronounced the covenanters rebels, that he accused them of aiming at the separation of the Scottish from the English crown, and that he attributed to them the design of invading and plundering the northern counties. To such charges were successively opposed the printed declarations of the tables, who called on God to witness their loyalty, and protested that, if they had taken up arms, it was in defence of the rights of conscience; let the king only cease from his religious innovations, and he would find them the most dutiful of his subjects.†

Backward-
ness of the
English.

But these professions of obedience did not prevent them from being the first to commit hostilities. On a Friday in March, the castle of Edinburgh was surprised by Lesley, at the head of one thousand musketeers: on the Saturday, the womanish apprehensions or wavering fidelity of Traquaire surrendered the strong house of Dalkeith, and with it the regalia of Scotland; and the next day the rest of the Sabbath and the observance of a solemn fast were violated to obtain possession of the castle of Dunbarton. The governor with part of his garrison having left the church after the second sermon, was surrounded by a party of armed men, and compelled under a menace of immediate death to send for the keys, and

Scots begin
hostilities.

March 21.

March 22.

March 23.

* Rushworth, ii. 791—797. 818. 820—826. Sydney papers, ii. 579. Strafford papers, 350, 351. Charles made an attempt to procure through the agency of colonel Gage, a foreign army of 6000 foot and 400 horse from the archduke, in return for permission to raise a certain number of recruits for the Spanish army yearly in Ireland. It failed, because the archduke could not spare so large a force of veterans at that moment. Clarendon papers, ii. 16—29. 50.

† Clarendon papers, ii. 798—802. 830—833.

deliver them to the provost of the town.* Thus, as Stirling was already secured by the earl of Marr, who had taken the covenant, of all the royal fortresses one only, and that the least important, Carlaverock, on the western border, remained to the king. Every day brought him intelligence of some new disaster or disappointment. The earl of Antrim, who from Ireland menaced the possessions of Argyle, was unable to fulfil his engagement; Huntley raised, indeed, the royal standard in the north, but was soon conducted by Montrose a prisoner to Edinburgh; and Hamilton, who entered the Frith with a numerous fleet, instead of occupying Leith, according to his instructions, dared not attempt a landing on any part of the coast. Charles himself had repaired to York,

April 19. where he proposed to the lords who accompanied him an oath of allegiance, binding them to oppose all seditions, conspiracies, and covenants against his person and dignity, even if "they came veiled under pretence of religion." To his surprise and indignation it was refused by the lords Brook and Say, who to the interrogatories put to them replied, that though they could not be compelled by law, they were willing through affection, to accompany their sovereign: but that they were ignorant of the laws and customs of Scotland, and therefore unable to say whether the covenanters were rebels, or the war against them was just. The king ordered them to be confined, consulted the attorney and solicitor general, and learned with vexation that there existed no ground for criminal proceedings against the prisoners. After some days they were discharged.†

From York Charles advanced to the neighbourhood of Berwick, and Lesley fixed his headquarters at Duns-Law. That general called for every fourth man from each presbytery; and though the call was not exactly obeyed, twelve thousand volunteers crowded to his standard. He demanded reinforcements: the ministers in the camp added written exhortations; and the instructions delivered to the messengers served to display the policy of the leaders, and the feelings of the people. One was directed to call on every true Scotsman in the name of God and the country to hasten to the aid of his countrymen, with them to

The armies meet.

* Halfour, ii. 320—323. Baillie, i. 158, 159. Nalson, i. 212.

† Bibliotheca Regia, 371—373. Clarendon papers, ii. 38. 41. 45. The lords who had taken the oath, signed a paper declaring the sense in which they had taken it. The king was displeased, and the oath laid aside. Strafford papers, ii. 351.

extort a reasonable peace from the king, or to seek in battle their common enemies, the prelates and papists of England. Another followed, denouncing the curse of Meroz against all who came not to the help of the Lord; and he was succeeded by a third, who, in bitter and sarcastic language, summoned the loiterers to attend the burial of the saints, whom they had abandoned to the swords of the idolaters. Such invitations produced impression on minds deeply imbued with religious fanaticism; and Lesley's army gradually swelled to more than twenty thousand combatants, all enthusiasts in the cause, and ready to shed their blood for the Lord of Hosts. On the tent of every captain waved a new ensign, bearing a figure of the Scottish arms with this motto, "for Christ's crown and the covenant:" each morning and evening the men were summoned by sound of drum to perform their devotions under the canopy of heaven; two sermons were preached daily to convince them of the righteousness of their cause, and the protection of the Almighty; and of the remainder of their time, whatever portion was not spent in martial exercises, was devoted to the reading of the scriptures, the singing of psalms, mutual exhortation, and extemporary prayer.*

To this army, thus animated by the most powerful motives that can influence the human breast, Charles could oppose an equal, perhaps superior, number of men; but men who felt no interest in the cause for which they were destined to fight, who disapproved of the arbitrary proceedings of their sovereign, and who had been warned that the suppression of the Scottish covenanters could only serve to rivet those chains, which had been forged for themselves. The earl of Holland appeared before Kelso with a numerous detachment of horse and foot: but at the first sight of the Scots they turned their backs, and Lesley, who considered procrastination equivalent to defeat, announced his intention of marching against the royal army. Charles, who had hitherto affected to despise the enemy, felt a sudden alarm: works were immediately constructed on the banks of the Tweed: and a page, who had obtained permission to visit his Scottish friends, received instructions to sug-

Pacifica-
tion of
Berwick.

* Baillie, 170. 175, 176. "Had you lent your ear, and heard in the tents the sound of some singing psalms, some praying, some reading scripture, you would have been refreshed. . . . For myself I never found my mind in better temper than it was. I was as a man who had taken leave from the world, and was resolved to die in that service without return. I found the favour of God shining upon me; and a sweet, meek, humble, yet strong and vehement spirit leading me all along." Id. 178.

gest the possibility of an accommodation. His meaning was understood: passports were solicited; and four commissioners proceeded to the English camp. They were received in the tent of the earl of Arundel: but Charles took the negotiation on himself; and for several days debated every point with an earnestness of argument and a tone of superiority, which seems to have imposed on his hearers of both nations. By his last answer, though he refused to acknowledge the assembly of Glasgow, he consented to ratify the concessions made by his commissioner, and to intrust the decision of all ecclesiastical questions to a general assembly, that of civil matters to the parliament, and to summon both to meet in the month of August. This answer was far from giving complete satisfaction: it made no mention of the abolition of episcopacy, and it affected to regard the proceedings at Glasgow as of no validity: but on the other hand, many of the covenanters, partly from religious scruples, partly from the fear of irritating the people of England, refused to cross the borders. Reports were daily circulated of a descent from Ireland; and the issue of a rising of the royalists in the north under the Lord Aboyne, son to the earl of Huntley, was still uncertain. Under these circumstances the chiefs resolved to accept the declaration, and engaged on their part to disband the army, and to restore the royal fortresses. By the more zealous of the covenanters they were reproached with apostacy from the cause of God and the kirk; and to vindicate themselves, published an apology, which was afterwards condemned by the English council as a false and seditious libel, and ordered to be burnt by the hands of the common hangman.*

Assembly
at Edin-
burgh.

Charles had promised and intended to proceed to Edinburgh, to hold the parliament in person. He was deterred by new instances of "valyan-cie" on the part of "the godly females," who

* Rushworth, ii. 945. 1023. Hardwicke papers, ii. 130—141. Sydney papers, ii. 601. Biblioth. Regia, 181. Burnet's Hamiltons, 140. Nalson, i. 232—240. 251. Balfour, ii. 324—529. Balfour says that the paper burnt contained three or four articles signed by the king, but to be kept secret, that his honour might not be impaired, ii. 328. Yet in all the subsequent disputes we hear only of verbal promises, which the king was said to have made, and which some of the lords reduced to writing, that they might not be forgotten. 336. 340. 341. One of these was, that the clergy should not be comprehended in the article which restored to all the king's Scottish subjects the goods of which they had been deprived. Laud's Troubles, 170, 171.

insulted with impunity his friends, even the first officers of state, whenever they appeared in public.* To gain the more moderate, and to discover the real views of the more violent among his opponents, he summoned fourteen of their number to attend him at Berwick: but distrust of the king, or consciousness of guilt, induced the majority to disobey; and only three commoners and three lords, Montrose, Loudon, and Lothian, ventured to wait on their sovereign. Of the latter, Montr se was made a convert, Loudon and Lothian were mollified by the condescension and protestations of Charles: while Hamilton by his dissimulation (he July 17. had previously received for that purpose a royal warrant and pardon) drew from the others many of the secrets of the party.† Before his departure for London the king appointed Traquaire to hold both the assembly and the parliament; imposing on him a task to which no human abilities were equal,—to guide the zeal, and moderate the language of religious enthusiasts. He was, indeed, willing to tolerate what he had not the power to prevent: and, with the resolution of afterwards revoking whatever necessity should now compel him to grant, he allowed the commissioner to consent to the abolition of episcopacy, July 27. of the service and the canons, of the articles of Perth, and of the high commission court; but at no events to admit of expressions which should designate these institutions and doctrines as unlawful in themselves, or contrary to the word of God. The assembly was first held: every deputy, before his departure from his presbytery, August 6. had been compelled to testify upon oath his adhesion to the late obnoxious assembly at Glasgow: and in the preamble to their acts they were careful to employ all those opprobrious and damnatory epithets, which the king regarded with so much horror. All that the commissioner could obtain was, that they should not be introduced into the clause of abolition itself, and that to the covenant should be added a more express declaration of allegiance to the sovereign. Traquaire, though with reluctance, gave the royal assent to these proceedings, and the successful conclusion of the assembly was hailed by the people August 30. with shouts of triumph and prayers of thanksgiving.‡

* Baillie, i. 184. Rushworth, ii. 1024. Burnet's *Hamiltons*, 144.

† Hardwicke papers, ii. 141. Rushworth, ii. 955, 956. 1021.

‡ Rushworth, ii. 948. 953—965. 1024. Burnet's *Hamiltons*, 149—154. 156. Nalson, i. 245. Balfour, ii. 351—353. Charles was not satisfied with the conduct of Traquaire. His great objection was to the condemnation of episcopacy, as "unlawful in this kirk of Scotland:" he would have admit-

Parliament. In parliament the covenanters displayed equal
Aug. 12. firmness and obstinacy. Their object was two-fold, to supply the place of the spiritual lords, the bishops, who, after the act of assembly, no longer existed in Scotland, and to abridge the power which the crown had hitherto possessed of selecting the questions for discussion, and of influencing the voters in parliament. They permitted the commissioner for once to select the lords of the articles, but only as a matter of grace, and not of right; and proposed that the lesser barons, the commissioners of the shires, should for the future occupy the place of the bishops; that each estate should freely choose out of its own body a portion of the lords of the articles, that patents of peerage should be restricted to persons in actual possession of land-rents within the country to the yearly amount of 10,000 merks, that no proxies should ever more be admitted, that the castles of Edinburgh, Dunbarton, and Stirling, should be intrusted to the custody of none but Scotsmen, and that all acts in favour of episcopacy should be repealed. Traquaire felt himself too weak to stem the torrent; he prorogued the parliament during a few days, and Charles, approving his conduct, continued the prorogation for six months.

Nov. 14. This proceeding was met as usual with a protest against its legality, but accompanied with a promise that the states would obey, not because they were obliged by law, but that they might prove their deference and attachment to their sovereign.*

Destruction of a Spanish fleet. The king was fully convinced that, though religion might influence the multitude, the depression of the royal authority was the real object of the leaders. To reduce them to obedience, he knew of no other method but force: and, while he revolved in his mind expedients to raise funds for a second expedition, fortune, as he persuaded himself, placed a new resource within his grasp. A Spanish fleet of galleons and transports, amounting to seventy sail, under Oquendo, had been discovered in the channel by the Dutch squadron, commanded by De Wit. A pursuit commenced: De Wit was joined by Van Tromp; and Oquendo sought an asylum in the Downs. He had lost three ships, his pursuers two; but the latter entered the road with him, and

Sept. 17. commanded by De Wit. A pursuit commenced: De Wit was joined by Van Tromp; and Oquendo sought an asylum in the Downs. He had lost three ships, his pursuers two; but the latter entered the road with him, and

ted "contrary to the constitution of the kirk of Scotland," but disliked the word "unlawful," through fear that the word might be abused by innovators in other countries, (Nelson, i. 255.) It appears to me a mere quibble.

* Balfour, ii. 351—362. Nelson, i. 265—271.

repeated arrivals from Holland augmented their force to the number of 100 sail, besides fireships. It was the general opinion that the Spanish fleet could not escape destruction, when Charles made an offer, in consideration of £150,000 in ready money, to take it under his protection, and to convey it to its destination on the coast of Flanders, and thence to some port in Spain. The proposal was cheerfully entertained by the court of Brussels: an order, it is said, had even been issued for the payment of part of the sum, when the states, unwilling to lose their prey, ordered the two admirals to attack the Spaniards. Though Pennington was present with an English fleet, under orders to prevent any aggression on either side, he remained a quiet spectator of the combat. Twenty-three Spanish ships ran on shore: of thirty, which put out to sea, ten only reached the harbour of Dunkirk. The rest were either destroyed or captured. The cardinal infant, governor of the Netherlands, called on the king to revenge this insult on his authority: but Charles, keenly as he felt the disappointment and disgrace, was content to complain, and gladly accepted the apology which was made by ambassadors specially commissioned for that purpose.*

The king, after his return, had submitted the affairs of Scotland to the consideration of a committee, consisting of archbishop Laud, the marquess of Hamilton, and Wentworth, who had been ordered to attend the English court. Laud once more argued in favour of peace; but he was silenced by the eagerness of the lord deputy, and the known sentiments of the king. The bishop of London, Oct. 24.
lord treasurer, the earl of Northumberland, lord admiral; Cottington, Windebank, and Vane, were now added to their number, with instructions to provide funds, and to arrange the preparations for the campaign. They issued writs for ship-money to the amount of £200,000, and advised the king to summon a parliament, as the Nov. 14.
most legal manner of procuring a more abundant supply. Charles ordered a full council to be called: and, when he found them unanimous in the same advice, put to them this pertinent question: "If this parliament should prove as 'untoward as some have lately been, will you then assist me in such extraordinary ways as in that extremity shall be thought fit?" They replied in the affirmative, and the king reluctantly gave his assent.† Dec. 5.

* See Nalson, i. 258. The despatches of Windebank in the Clarendon papers, ii. 70—80. Warwick's Memoirs, 119. D'Estrades, 29. Whitelock, 31; and Sydney papers, ii. 612. 620.

† Sydney papers, ii. 614, 615. 618. 621. Clarendon papers, ii. 81, 82.

Irish parliament.

1640.
Jan. 12.

Mar. 17.

April 6.

English parliament.

But by the advice of Wentworth it was resolved to apply in the first instance to the liberality of the Irish parliament. Before his departure, to reward his past services, and to give greater weight to his efforts, he was created earl of Strafford, and appointed lord lieutenant of Ireland. There no man dared openly to oppose his pleasure: the two houses voted a grant of four subsidies; and at his command added a promise of two more, if they should be found necessary. With this vote as a lesson and a precedent for the English members, Strafford returned to the court, having left orders for the immediate levy of an army of eight thousand men.*

In England the meeting of a parliament after an interruption of so many years, was hailed with expressions of joy, and the people expected from its labours the redress of those grievances under which they had laboured, and the vindication of those liberties which had been violated. Charles met the two houses without any sanguine expectations of success: but he called upon them to grant him an ample and speedy supply, and to demonstrate to them the justice of his cause, exhibited an intercepted letter, subscribed by seven of the principal covenanters, and soliciting the aid of the king of France.† The result, how-

* Rymer, xx. 359. Strafford papers, 390—404. It has been asked why the English parliament was summoned for so late a day as the 13th of April, if the king's wants were so urgent? Windebank informed the ambassador at Madrid, that it was to give time for the meeting of the Irish parliament before the commencement of that in England. Clarendon papers, ii. 82.

† Loudon, one of the subscribers, had come to London in quality of a commissioner, and was committed to the Tower. In his own justification he alleged that the letter was written in May of the last year, before the king came to Berwick; and that he did not understand French, but supposed that its sole object was to solicit the mediation of the king of France; that it did not please, and therefore was not sent, nor intended to be sent; and that whatever offence he had committed by signing it, was covered by the pacification of Berwick, and the act of oblivion. (Journals, Ap. 16. Whitelock, 33. May 37. Reprint of 1812.) Of these allegations some are very questionable, others are most probably false. The letter requesting the mediation of the French king may be seen, with the objections to it, in Dalrymple, ii. 61. It was accompanied with instructions to the bearer to solicit a supply of money and arms, or a diversion abroad, (Ibid. 64.) Whether this letter was sent, or the other substituted for it, is uncertain. The letter bears no date, but the king evidently believed it to have been recently written, and on its way to the French king. "By chance I intercepted it as it was going to him." Journals, iv. 48. Nor is it very likely that seven lords would have signed such an instrument, unless they had intended to send it. That more than mediation was asked, is evident from the context, coupled with the fact that the covenanters had

ever, proved that the commons inherited the sentiments and policy of their predecessors. They took no notice of the prayers or the wants of the sovereign: but they gave their whole attention to the national grievances, which they divided into three heads, innovations in religion, invasions of private property, and breaches of the privileges of parliament. 1. Under the first, they enumerated all the charges made by the puritans against the archbishop, and complained of the authority recently given to the convocation to make new and amend the old constitutions, an authority necessarily affecting the rights and liberties of the laity. 2. The second comprised the monopolies granted by the crown, the levy of ship money during so many years, the enlargement of the royal forests, the charges laid on the counties during the late campaign, and the vexatious prosecutions on account of the refusal to pay unwarrantable taxes, and of resistance to unlawful monopolies. 3. They reckoned as breaches of privilege the command given by the king to the late speaker to adjourn the house without its consent, and the attempts of the courts of law to punish the members for their behaviour in parliament. On all these subjects it was resolved to solicit the opinion and co-operation of the lords.*

Charles viewed the apathy of the commons at first with impatience, afterwards with alarm. It was in vain that he endeavoured to quicken their proceedings by an earnest and conciliatory speech at Whitehall: and his request to the lords that they would not listen to the grievances of the commons till the royal wants had been supplied, was productive of a fatal dispute between the two houses. In the first conference the lords expressed their opinion that the supply ought to have the precedence of every other question: in the second the commons complained that such intimation was an infringement of their privileges.† The lords replied, that they claimed no

Dissolution.

April 21.

April 24.

April 25.

April 29.

May 1.

already received an aid in money from Richelieu, and had directed their agent to ask for more. They express their confidence of obtaining "*une assistance esgale a votre clemence accoustumée cy devant et si souvent monstrée a cette nation.*" Ibid. Charles, we are told, wished to prosecute Loudon in England, but was dissuaded by Hamilton, who asserted that he had a right to be tried by his peers. I give no credit to Burnet's hearsay story of the king's intention to behead him without trial.

* Journals, Ap. 17. 20. 22, 23, 24.

† It has been said that the two parties made the trial of their strength by dividing on a motion for a second conference, which was rejected by 257 against 148. But this is a mistake. The journals show that the motion was for a delay in the prosecution of Dr. Beale, master of St. John's college, Cambridge. Journals, iv. May 1.

right to originate bills of supply, or to point out their amount, or the manner in which the money was to be raised: but that it was competent for them to communicate to the lower house their advice respecting supplies in general, and to warn them of the prejudice likely to arise to the nation from their refusal or delay. In this stage of the quarrel a message

May 2. from the king required an immediate answer from the commons whether they would, or would not, proceed to the question of supply. The rest of that day, and the whole of the next was spent by them in close and vehement debate: on the morning of the third he sent for them to the upper house, and having first commended the dutiful behaviour of the lords, dissolved the parliament.*

May 5. This unexpected event spread a deep gloom
Riots. over the nation. In London, the dissatisfied members of both houses, the enemies of episcopacy, and the advocates of republicanism, (we now meet with the latter for the first time,)† crowded to the lodgings of the Scottish commissioners, and communicated to them their readiness to make common cause with the covenanters in the support of their rights and liberties. The lower classes indulged more openly in expressions of discontent and threats of vengeance. Strafford, who now ruled in the council, incurred his share of the public odium, but the resentment of the populace was chiefly pointed against the archbishop of Canterbury: placards, posted on the royal exchange, and other places, called on the apprentices to meet in St. George's Fields, "to hunt William the fox, the breaker of the parliament;" and though the train bands kept the peace during the day, 500 rioters at night attempted to force their way into his palace at Lambeth. They demolished the windows, but at the end of two hours were repulsed with fire-arms. Charles resolved to punish the ringleaders; but most of those who had been apprehended were released by their accomplices, and one only suffered the punishment of the law, who had been wounded and taken during the assault. He died not as a felon, but as a traitor: for the judges, following the precedent set them in the reign of Elizabeth, had pronounced the offence to be that of levying

* Lords' Journals, 63. 67. 73--76. Commons, Ap. 20. 21. 24. 29. May, 3, 4. Laud assures us that the real cause of the dissolution was the report made to the council by sir Henry Vane, that the lower house was resolved to vote no money which might be employed against the Scots. The question was therefore put, and every counsellor, with the exception of the two earls of Northumberland and Holland, advised an immediate dissolution. Laud's Troubles, 78.

† Whitelock, 32.

war against the king, because the rioters marched in martial array to the sound of a drum.*

Contrary to ancient custom, the convocation continued to sit after the dissolution of parliament, and proceeded rapidly in the task assigned to it by Charles and the archbishop, the enactment of such new constitutions as were suited to the temper and the circumstances of the times. It was ordered that every clergyman, once in each quarter of the year, should instruct his parishioners in the divine right of kings, and the damnable sin of resistance to authority: several canons were added of the most intolerant tendency against the catholics, socinians, and separatists; an oath of adhesion to the doctrine and government of the church of England against all popish tenets and presbyterian discipline, was appointed to be taken by every clergyman and graduate in the two universities,† and a declaration was issued respecting the lawfulness of the ceremonies used in the public service. These canons, amounting to seventeen, gave birth to an acrimonious controversy. The legality of the commission granted by the king had already been questioned by the commons: and the continuance of the session after the dissolution, though approved by the judges, was by many considered contrary to law. The new canons, which on account of the succeeding troubles could not be carried into execution, served to increase the clamour against the arbitrary designs of the court; and the only advantage which Charles obtained from this unusual proceeding, was a grant from the clergy of six subsidies each of four shillings in the pound.‡

Convoca-
tion.

The time for the meeting of the Scottish parliament approached. A second prorogation by the king was eluded under the pretence of an informality in the warrant: the members took their seats; they passed all the acts which had been prepared before the prorogation, voted a tax for the support of the war of ten per cent. on the rents of land, and five per cent. on the

Scottish
parliament.
June 11.

* Whitelock, 33. Laud's Diary, 58. His Troubles, 79. Rush. ii. 1173—1179.

† Many exceptions were taken to this oath, particularly to that clause which stated that the government of the church resided in archbishops, bishops, deans, archdeacons, &c. How, it was asked, could any man swear to an et cetera? The king ordered the archbishop not to enforce it. Rush. ii. 1205—1209. Nalson, i. 496—500. Hard. pap. ii. 151.

‡ This grant was perfectly legal, but wanting the confirmation of parliament, could only be levied by ecclesiastical penalties. See Wilkins' C. iv. 538—553. Nalson, i. 351—376.

interest of money; and appointed a military council, one half of which was to reside permanently in Edinburgh, the other half to follow the motions of the army. It was in vain that Charles warned them of the treasonable tendency of such

proceedings, and that he released Loudon, and sent him to Scotland under an engagement to further his interests; the covenanters were not to be diverted from their purpose, and though for want of the royal assent they could not give to their votes the denomination of laws, they imparted to them equal force by entering into bonds, which obliged the subscribers to carry them into execution.*

Warlike
prepara-
tions.

The king had originally proposed to assail his opponents from three different quarters at the same time, with 20,000 men from England under his own command, with 10,000 from Ireland under the guidance of the lord-lieutenant, and with an equal number from the highlands led by the marquess of Hamilton. But this magnificent plan was defeated by his poverty, and the decision of the covenanters. He dared not commence his levies till he had the prospect of funds for their support: on the dissolution of parliament the lords, according to their promise, relieved his wants by a voluntary loan of £200,000, and immediately writs were issued to each county to supply a certain proportion of men. But in some instances the commissioners neglected their duty; in others the recruits mutinied, murdered their officers, rifled the churches, and lived at free quarters on the inhabitants. In Scotland, on the contrary, the covenanters met with unanimity and enthusiasm. They had been careful to keep in full pay the officers whom in the last campaign they had invited from Germany: the men, who had been disbanded after the pacification of Berwick, cheerfully returned to their colours; and many individuals, on the security of noblemen and merchants, sent their plate to the mint that they might supply money for the weekly pay of the soldiers. When Charles commenced his preparations, his enemies were ready to act. Lesley collected his army at Dunse: during three weeks the men were daily trained to martial exercises, and encouraged by sermons and prayers; and on the 20th of August he crossed the Tweed

* Nalson, i. 502—508. Rush, ii. 1210. Balfour, ii. 373—379. These acts, says Balfour, caused "the reall grattest change at one blow, that ever hapned to this church and staite these 600 years. It overturned not onlie the ancient state government, but fettered monarchie with chynes, and sett new limits and marcks to the same, bezond which it was not legally to proceide."

with 23,000 infantry, and 3000 cavalry.* At the same time a declaration was published, that the Scots were called to this expedition by the same divine Providence which had hitherto guided their steps; that they marched not against the people of England, but against the Canterburian faction of papists, atheists, arminians, and prelates: that God and their conscience bore them testimony that their object was the peace of both kingdoms by punishing the troublers of Israel, the fire-brands of hell, the Korahs, the Balaams, the Doegs, the Rabshakahs, the Hamans, the Tobiahs, and Sanballats of the times, after which they would return with satisfaction and pride to their native country.†

The lord Conway had arrived in Northumberland to take the command with the rank of general of the horse. He dared not oppose an inferior and undisciplined force to the advance of the enemy: but received a peremptory order from the earl of Strafford, the commander-in-chief under the king,‡ to dispute the passage of the Tyne. The works which he hastily erected in Stella-haugh were demolished by the Scottish artillery: a division led by Lesley's guard passed at Newburn ford, and was speedily driven back into the river by a charge of six troops of horse: but these in their turn were checked by the fire from a battery: the Scots a second time formed on the right bank, and the whole English army retired, the horse towards Durham, the infantry, 4000 in number, to Newcastle. Thence they hastened by forced marches to the borders of Yorkshire, and the two northern counties remained in the undisputed possession of the conquerors.§

Scots pass
the Tyne.

Aug. 28.

* I have not mentioned the letter said to have been forged by lord Savile, and sent to the Scots, inviting them to enter England in the names of the earls of Bedford, Warwick, and Essex, and the lords Mandeville, Say and Seale, and Brooke, and of Henry Darley. The assertion rests on very questionable authority: but that they were encouraged to pass the borders by the advice of their English friends, cannot be doubted. "The earls of Essex, Bedford, Holland, the lord Say, Hampden, Pym, and divers other lords and gentlemen of great interest and quality, were deep in with them." Whitelock, 32. See also the Hardwicke papers, ii. 187. Nalson, i. 508. Sydney papers, ii. 660.

† Rushworth, ii. 1226. Nalson, i. 412.

‡ The earl of Northumberland had been named to the command: but he was, as appears from his letters, ill-affected to the cause, and therefore declined the office under pretence of indisposition. Strafford succeeded him. Warwick, 147.

§ Compare Conway's narrative (Dalrymple, ii. 82—107.) and Vane's letter, (Hardwicke papers, ii. 163.) with the account in Guthry, (p. 82.) and in Rushworth, (ii. 1237.) and the official despatch in Baillie, i. 211. Had they not succeeded in passing the river, and obtaining possession of Newcastle, they were in hazard of being compelled to disband through want of

Negotia-
tion. Here the leaders of the Scots began to hesi-
tate.* The road to the northern metropolis lay
open before them, but the cries of enthusiasm
were checked by the suggestions of prudence. It was not
their interest to awaken the jealousy, to arouse the spirit of
the English nation, and they wisely resolved,

Sep. 4. surrounded as they were with the splendour of
victory, to humble themselves in the guise of petitioners at
the feet of the sovereign. Charles, on the other hand, was
harassed with feelings of shame and disappointment for the
past, and with the most gloomy anticipations of the future.
He saw himself, indeed, at the head of 20,000 men, with six-
ty pieces of cannon: but their attachment was doubtful, their
inexperience certain: and, though Strafford affected to speak
in public with contempt of the enemy, he assured the king in
private that two months must elapse before his army could
be in a condition to take the field.† Under these circum-

Sep. 5. stances, the wish of the covenanters, intimated
through the earl of Lanerc, the Scottish secreta-
ry, was graciously received; the king, that he might gain
time, required to be put in possession of their demands; and
on the return of their answer promised to lay it before the
great council of English peers, which he had summoned to
meet him at York on the 24th of September.

Great
council of
peers. Some centuries had elapsed since England had
witnessed such an assembly: but Charles was
driven to the most unusual expedients: and as
the commons had always proved the more refrac-
tory of the two houses, he preferred a meeting of the lords
to a full parliament. He could not, however, avert what he
so much apprehended. Twelve peers subscribed their names

provisions, (Baillie, i. 207.) and the desertion of their followers in whole
companies. Balfour, ii. 380. Such as were discovered were brought
back, and every tenth man was hanged. Ibid.

* Baillie's remark is characteristic of the man: "We knew not what to
do next: yet this is no new thing to us: for many a time from the begin-
ning, we have been at a nonplus, but God helped us ever." 204.

† Hume represents him as advising the king "to put all to the hazard:
to attack the Scots, and bring the affair to a quick decision. To show how
easy this would be, he ordered an assault on some quarters of the Scots,
and gained an advantage over them." The whole of this is fiction. It is
certain both from lord Conway (Dalrymple, ii. 93.) and the minutes of the
council of peers, (Hardwicke papers, ii. 211.) that he dissuaded the king
from fighting. The assault to which the historian alludes, was made by the
Scots under sir A. Douglas, who, without orders, plundered the house of
Mr. Pudsey, on the right bank of the Tees, and was taken prisoner by sir
John Digby, with thirty-six of his men, having lost twenty-three in the ac-
tion. See Baillie, i. 209. and secretary Vane's letter in the Hardwicke pa-
pers, ii. 183.

to, a petition, stating the grievances of the nation, and pointing out a parliament as the only remedy:* this was followed by another, signed by 10,000 inhabitants of London; and his counsellors at York, as well as those in the south, repeatedly conjured him to acquiesce. It cost him a long struggle before he would submit: even after he had formed his resolution, he kept it secret till the lords held their first meeting on the appointed day, when he announced that he had ordered writs to be issued for a new parliament on the 3d of November.

To the great council two questions were submitted; how might the king be enabled to support his army during the next three months? in what manner was he to proceed with the covenanters who had invaded his English dominions? 1. They sent a deputation of six lords to London, who, on the security of their bonds, raised a loan of £200,000. 2. They named sixteen peers to proceed to Rippon, and to open a negotiation with eight commissioners appointed by the covenanters:† but at the very outset a demand was made which startled and perplexed the king and his counsellors. When the Scots first entered England they had displayed the most edifying forbearance. Then the saints deemed it unlawful to plunder any but the idolatrous papists.‡ Their scruples, however, were speedily silenced. The retreat of the royalists placed the counties of Northumberland and Durham at their mercy: and from that moment they had exacted a weekly contribution of £5,600 from the inhabitants; had confiscated all the property of the catholics, with the tithes and rents of the clergy; and had taken at discretion coals and forage for their own consumption. But these resources began to fail: and under the pretence that the negotiation would prevent them from seeking more abundant quarters, they boldly demanded a monthly subsidy of £40,000.

It was plain to the commissioners that the king must ultimately yield: their great object was to reduce the amount, and to modify the manner of payment. By industry and perseverance they

Partial
agreement
with the
Scots.
Sep. 24.
Sep. 25.

Oct. 5.

Treaty
transferred
to London.

* See it in the Lords' Journals, iv. 188. subscribed by Rutland, Bedford, Hertford, Essex, Exeter, Warwick, Bolinbrook, Mulgrave, Say, Mandeville, Brook, and Howard.

† The English commissioners were the earls of Bedford, Hertford, Essex, Salisbury, Warwick, Bristol, Holland, Berkshire, viscount Mandeville, the lords Wharton, Paget, Brooke, Pawlet, Howard, Saville, and Dunsmore: the Scottish, Dunfermline, Loudon, sir Patrick Hepburne, sir William Douglas, Smith, Wedderburne, Henderson, and Johnson.

‡ Hardwicke papers, ii. 158.

overcame every difficulty, and concluded separate bargains, one with the gentlemen of the north, who, on the faith of a solemn promise that they should be reimbursed out of the first supply granted by parliament, consented to raise the weekly sum of £5,600 by county rates on the inhabitants of Northumberland, Cumberland, Westmoreland, and Durham: and another with the Scots, who engaged as long as that subsidy were paid, to abstain from all acts of hostility, and from every species of compulsory demand.* The treaty was immediately transferred to London: the king and the lords hastened thither that they might arrive in time for the opening of parliament, and the Scottish commissioners followed at their leisure, bringing with them a deputation of the most learned and zealous of their ministers.†

* For these transactions consult the letters and minutes in the Hardwicke collection, ii. 168—298. the papers in Rushworth, 1254—1310. and Nalson, i. 447—465.

† Baillie was one of the number. In an entertaining letter to his wife, he gives an account of his journey. "None in our company held out better than I and my man, and our little noble nags. From Kilwinning to London, I did not so much as tumble. This is the fruit of your prayers. We were by the way great expenses: their inns are like palaces; no marvel they extortion their guests." 216.

CHAP. II.

CHARLES I.

PROCEEDINGS IN PARLIAMENT—IMPEACHMENTS OF STRAFFORD AND LAUD—VOTE AGAINST THE LEGISLATIVE AND JUDICIAL POWERS OF BISHOPS—TRIAL AND EXECUTION OF STRAFFORD—TRIENNIAL PARLIAMENTS—THE KING HOLDS A PARLIAMENT IN SCOTLAND—REBELLION IN IRELAND—REMONSTRANCE OF THE COMMONS—PROTEST AND IMPEACHMENT OF TWELVE BISHOPS—KING IMPEACHES SIX MEMBERS—BISHOPS DEPRIVED OF SEATS IN PARLIAMENT—PROGRESS OF THE REBELLION IN IRELAND—KING RETIRES TO YORK—HE IS REFUSED ENTRANCE INTO HULL—THE HOUSES LEVY AN ARMY—CHARLES SETS UP HIS STANDARD AT NOTTINGHAM.

CHARLES met his parliament with the most lively apprehensions. He felt the dependent situation to which the late occurrences had reduced him: he saw the lives of his advisers and the prerogatives of his crown lying at the mercy of the two houses; and he recollected the talents, the violence, and the pertinacity which had hitherto distinguished his opponents of the country party. The terrors of his counsellors added to his distress. He shunned the public gaze, and instead of opening the session with the usual pomp, proceeded to Westminster by water. His speech from the throne was short but conciliatory. Three subjects he recommended to the attention of the two houses, the removal of the rebels, the payment of the army, and the redress of grievances. But the word "rebels" gave offence: he condescended to apologize. Such in his opinion was the appropriate term for subjects in arms against their sovereign, but they were also his subjects of Scotland, and he had already given them that denomination under the great seal.*

Opening of
parliament.

* Baillie, i. 218. Nalson, i. 481.

State of parties. For the office of speaker in the lower house the king had fixed on Gardiner, recorder of London; but Gardiner lost his election; and in his place was chosen Lenthall, a barrister of reputation, but without energy, and without experience. The returns proved that, notwithstanding every exertion on the part of the ministers, the king could not command the votes of one third of the members. The task of leading the opposition was assumed by Pym, Hampden, and St. John; of whom the first claimed the distinction as due to his services in former parliaments, the other two had earned it by their courage and perseverance in the celebrated case of the ship money. They were ably supported by the abilities of Denzil Hollis, second son to the earl of Clare, and formerly one of the prosecutors of Buckingham, of Nathaniel Fiennes, second son to the lord Say, and sir Henry Vane, son to the secretary, both enthusiasts in religion as well as politics;* and of the lords Falkland and Digby, Hyde, Selden, Rudyard, and several others, men of the most distinguished talents, and anxious by the redress of grievances to effect a thorough reformation in the disorders of the state. All these were at first bound together by one common object: but insensibly their union was dissolved by difference of opinion on subjects of the first importance; some adhered to the monarch through all his difficulties, others persuaded themselves that liberty could be secured only by the establishment of a commonwealth.

Among the lords the king could reckon a greater number of friends. All the bishops, and one half of the temporal peers owed their honours to him or to his father. But the former were silent through fear; and the others suffered their gratitude to be overbalanced by policy, or patriotism, or resentment. The earls of Bedford and Essex, the lords Say and Kimbolton took the lead; their opinions were echoed and supported by the earls of Warwick and Hertford, and the lords Brook, Wharton, Paget, and Howard; and the friends of the king, awed by the combination which existed between them and the ruling party in the other house, instead of a manly resistance, tamely acquiesced in measures fraught with danger both to the crown and to themselves.

* Vane was a young man of four-and-twenty, the disciple of Pym and sir Nathaniel Rich, of considerable talents and equal fanaticism. At the age of twenty, that he might enjoy the liberty of receiving the sacrament standing, instead of kneeling, he repaired to New England in America; but returned in the course of a year, and by the interest of his father, obtained a seat in parliament. *Stafford papers*, i. 463.

The distress of the country, the attacks which had been made on its liberties, and the dangers which threatened its religion, furnished the orators in both houses with ample scope for lamentation and invective; and their complaints, printed and distributed through the nation, were quickly echoed back in petitions subscribed by many thousands from every county, and from the more opulent boroughs. Supported by the voice of the people, the commons neglected the royal recommendation, divided themselves into committees and sub-committees, and for several months devoted their attention to three great subjects, the investigation of abuses, the adoption of remedies, and the punishment of delinquents.

1. The catholics, according to custom, were the first to feel their enmity. The cry that religion was in danger from the machinations of popery, was revived. That no fear could be more groundless, is certain: but in times of general ferment the public credulity readily accepts of assertions in place of proofs, of appearances instead of realities. It was complained that the king had compounded with the recusants; that he had discharged some priests before trial, and others after conviction; that an agent from Rome resided near the queen; that the more opulent catholics had, at the request of that princess, subscribed £10,000 in aid of the northern expedition; that catholics held commissions in the English army; and that they composed the force which Strafford had levied in Ireland. Charles, harassed with petitions to relieve his protestant subjects from their terrors, gave orders that all catholics should quit the court, and be expelled from the army; that the houses of recusants should be searched for arms; and that their priests should be banished from the realm within thirty days.*

Proceed-
ings of the
commons.

* Journals, Nov. 9. 23. 30. Dec. 3. 7. 24. Feb. 11. 26. Mar. 15. 26. Ap. 27. May 7. I may here relate a singular occurrence respecting Goodman, a priest, who had received judgment of death for having taken orders in the church of Rome. The commons prevailed on the lords to join in a petition for his execution. Charles replied, that he would banish or imprison him for life, but that he did not wish to shed blood for the sole cause of religion. They renewed the petition; the king returned for answer, that he left the case in their hands; they might act as they thought proper; but at the same time he sent them a petition which he had received from Goodman, in the following words: "These are humbly to beseech your majesty, rather to remit your petitioner to their mercy, than to let him live the subject of so great discontent in your people against your majesty This is, most sacred sovereign, the petition of him who would esteem his blood well shed to cement the breach between your majesty and your subjects on this occasion. Ita testor. John Goodman." From that moment, whether they were moved by the magnanimous sentiments of the prisoner, or unwilling to entail on themselves the responsibility

But he laboured in vain to appease that jealousy which it was the policy of his opponents to irritate: and the charge of encouraging popery was so confidently and incessantly urged against the monarch, that at length it obtained credit with the majority of his subjects.

2. The commons undertook "to purge the church." On the petition of the sufferers and their friends, they restored to their livings all such clergymen, as had been deprived on the ground of non-conformity by the bishops or by the court of high commission. On the other hand they called to the bar of the house all ministers denounced as scandalous; under which epithet were comprised two classes of men, those who had disgraced themselves by public immorality, and those who had incurred the charge of superstition by their zeal to enforce the observance of the ceremonies. Both met with different degrees of punishment according to the temper of the house: some were reprimanded by the speaker, some thrown into prison, and others bound to good behaviour.*

3. In like manner they revised those proceedings in the star-chamber, which had given offence by their severity. Prynne, Burton, and Bastwick, were recalled from their several places of confinement, that they might pursue their own cause in person. They entered London on different days in triumphant procession, attended by hundreds of carriages, and thousands of horsemen, amidst multitudes on foot, all wearing bay and rosemary in their hats. Their sentences were reversed, and damages to the amount of £5000 were awarded to each against his judges.†

4. Both houses concurred in pronouncing the commissions for the levy of ship-money, and all the proceedings consequent on those commissions, to be illegal. The commons resolved that the earl marshal's court, and that of the council at York, were grievances; appointed committees to inquire into the origin and constitution of the stannary court, and that of the marshes of Wales; to ascertain the legality or illegality of enforcing escuage, and exacting fines for neglect to

which they wished to fix on the sovereign, they desisted from the pursuit of Goodman's life, who remained unnoticed within the walls of Newgate till his death, in 1645. Baillie gives a very improbable reason for their interference: that they meant to deny the king's power to pardon during the session of parliament, and feared that, if it were admitted in the case of Goodman, it might form a precedent for that of Strafford. See *Journals of Commons*, Jan. 23. 25. 27. Of *Lords*, 140. 141. 142. 146. 150. 151. *Nalson*, i. 738. Baillie i. 238.

* *Journals*, Dec. 19. March 20. June 1.

† *Ibid.* Dec. 7. 9. 30. Feb. 22. 25. March 2. 12. 24. April 20. May 20. *lie*, i. 222.

receive the order of knighthood; and to investigate the conduct of all the lords lieutenants, and their officers, who had levied coat and conduct money during the late expedition.*

5. Among the king's advisers there was no man more feared for his abilities, more hated for his advocacy of despotism, than the earl of Strafford, "the great apostate," as he was termed, "from the cause of the people." His friends wished him to decline the approaching storm, either by remaining in Yorkshire at the head of the army, or by repairing to his government of Ireland. But to a man of his stern and fearless mind, such counsel savoured of cowardice: and, when the king, assuring him of protection, requested his presence, he lost not a moment in repairing to the metropolis. His unexpected arrival surprised and disconcerted his enemies, who knew his influence over the judgment of their sovereign, and who feared that he might anticipate the charge against himself, by accusing them of a treasonable correspondence with the Scots. A day was spent in arranging their plan: the next morning the commons debated with closed doors; and, when these were opened, the majority of the members proceeded to the bar of the lords, where Pym, in their name, impeached the earl of Strafford of high treason. That nobleman was, at the moment, in close consultation with the king: he hastened to the house, and was proceeding to his place, when a number of voices called on him to withdraw. On his re-admission he was ordered to kneel at the bar, and was informed by the lord keeper, that in consequence of the impeachment by commons, the house had ordered him into the custody of the black rod, till he should clear himself from the charge. He began to speak, but was immediately silenced, and departed in the charge of Maxwell, the usher.†

Impeach-
ments.

Of Strafford.

Nov. 11.

The next minister doomed to feel the severity of the lower house was secretary Windebank. In the execution of his office he had signed several warrants for the protection of recusants, and others for the discharge of priests from prison. In all these instances he had acted by the order of the king, and, for greater security,

Winde-
bank.

* Ibid. Nov. 23. 24. 27. Dec. 7. 19. 23. 24. Mar. 20. May 13. 14. July 1. 14. Lords' Journals, iv. 136. 156. 173.

† See Baillie, 217. and the Lords' Journals, 88. 89. This was only a general charge, without specifying any particular: it was not till the 24th that the house could agree on the several articles. Journals, Nov. 11. 24. Yet Strafford had no right to complain; he had formerly advised a similar proceeding against the duke of Buckingham. Warwick's Memoirs, 111.

had obtained a pardon under the royal signature. Charles, however, was unwilling to have his name implicated in the question: nor were the patriots eager to shed the blood of the secretary. He availed himself of their delay

Dec. 4. in the prosecution of the case, obtained a passport from the king, and saved his head by a timely flight into France.*

To prepare the way for the impeachment of archbishop Laud, the commons resolved, that the convocation had no authority to bind either laity or clergy without the consent of parliament; that the benevolence which it had lately granted to the king was illegal; that the constitutions which had been enacted, were prejudicial to the authority of the crown, to the rights of parliament, and to the liberties of the subject; and that an inquiry should be instituted into the conduct of the metropolitan, who was supposed to be the real author not only of these measures, but of other attempts to subvert the laws and religion of the nation. Two days later

Dec. 18. Hollis charged him at the bar of the upper house with the crime of high treason. He rose with his usual warmth, protested his innocence, and was proceeding to arraign the conduct of his accusers, when the earl of Essex and the lord Say sharply called him to order; and the house, refusing to hear his explanation, placed him under the custody of the black rod. Six weeks later the archbishop was transferred to the Tower.†

Finch. Finch, the lord keeper, who, when he was chief justice, had distinguished himself by the zeal with which he contended for the legality of ship-money, was previously admonished by the resolutions of the two

Dec. 21. houses of the fate which he had to expect. He solicited permission to plead his cause before the commons; and his eloquence and tears awakened the compassion of many among the members: but such feelings were condemned as a criminal weakness by the more sturdy patriots: and Finch the same afternoon was impeached before the lords of high treason. But he had already absconded: no trace of his retreat could be discovered; and in a few days it was understood

* Journals of Commons, 26. 33. 44. 45. See his letters in Prynne's Hidden Works. "Nevertheless rather than his majesty or his affairs should suffer, I desire the whole burden may be laid upon me: and though I have his majesty's hand for most of them, and his commandment for all, yet I will rather perish than produce them, either to his prejudice, or without his permission." From Calais, Dec. 6. p. 127.

† Journals of Commons, 51. 54. Of Lords, 112. Laud's Troubles, 75.

that he had sought and obtained an asylum in Holland. That his brethren, the other judges, who had concurred with him in opinion, might not imitate him in his flight, each was bound, at the request of the commons, to make his appearance when called upon, in the sum of £10,000.*

The king, though the prerogatives which he considered the firmest supports of his throne, were crumbling beneath him, though his friends and advisers were harassed with impeachments, fines, imprisonment and death, appeared to make no effort in his own favour, but to resign himself with indifference to his fate. The fact was, that he felt unequal to a contest with the two nations at the same time, and waited impatiently for the moment, when the conclusion of the treaty, and the disbanding of the Scottish army, would permit him to re-assume the ascendancy. The commissioners from the tables had been received as friends and deliverers by the leaders of the country party. The strictest union was quickly cemented between them: both professed to believe that their cause was the same, that they must stand or fall together; and, while the patriots engaged to support the Scottish army during its stay, and to supply it with a handsome gratuity at its departure, the covenanters stipulated to prolong the treaty, and to detain their forces in England, till the projected reform in church and state should be fully accomplished.†

Charles, in his eagerness to conclude the negotiation, was induced to concede many points, which he would otherwise have refused. To the three first demands of the Scots, that the acts of their late parliament should be confirmed, that natives alone should be appointed to the government of the royal castles, and that their countrymen should not be harassed either in England or Ireland with unusual oaths,‡ after a few objections, he consented; but he made a resolute stand against the fourth, that the punishment of the incendiaries should be left to the discretion of the two parliaments. It was, he argued, to require that he should dishonour himself.

* Journals of Commons, 55. Of Lords, 114, 115.

† This is plain from almost every page of Baillie's correspondence during the six months that the negotiation continued. When they came in February to the last demand, Baillie writes, "this we will make long or short, according as the necessities of our good friends in England require: for they are still in that fray, that if we and our army were gone, they yet were undone." p. 240.

‡ Strafford had compelled the Scots in Ireland to take an oath of allegiance, by which they renounced all contrary covenants, and promised never to enter into any covenant against any other person without the king's authority. See it in Rushworth, viii. 494.

Those, whom *they* called incendiaries were men who had incurred their displeasure by obeying *his* commands, and whom on that account he was bound to protect. He pleaded particularly in favour of Traquaire, and claimed the right of judging that nobleman himself, because he had acted as royal commissioner. But Traquaire, falling on his knees, earnestly prayed that the life of a humble individual like himself might not stand in the way of a reconciliation between the king and his people: the Scots threatened to solicit the advice and interposition of the English parliament; and Charles, though it evidently cost him a painful struggle, signified his acquiescence. Their next claim, the restoration of captured ships and merchandise, was quickly adjusted: and that of indemnification as a pecuniary question, the king referred to

the house of commons, who voted two sums, one of £125,000 for the charges of the Scottish army during five months, and another of £300,000 under the denomination of "a friendly relief for the losses and necessities of their brethren of Scotland."* At length the commissioners came to their last demand, the establishment of a solid peace between the two nations. The king anticipated a speedy conclusion of this most vexatious treaty, but he soon found himself disappointed. Under this head they presented to him only two articles, reserving to themselves a discretionary power of adding others; when, and in what manner they might deem expedient.†

It soon appeared that the Scottish deputies acted not only in a political, but also a religious character. While they openly negotiated with the king, they were secretly but actively intriguing with their friends of the country party, to procure in England the abolition of the episcopal, and the substitution of the presbyterian, form of church government. This they seemed to consider as the chief object of their mission, and this they pursued with the most edifying perseverance and industry. But it was a question on which great latitude of opinion prevailed. In the city the presbyterians composed a very considerable party: but among the reformers in parliament there were many who, willing as they might be to reduce the

* "£300,000 sterling," exclaims Baillie, "5,400,000 merks Scots, is a pretty sum in our land." Baillie, i. 240.

† Journals, Jan. 22. Feb. 3. Lords' journals, iv. 151. Baillie, i. 221. 223. 228. 233. 240. "It was not (to give in all the propositions at once) possible for us, nor conducive for the ends of the English, who required no such haste." Ibid. 243.

wealth, the power, and the jurisdiction of the bishops, resolutely opposed the extinction of the order; while others, under the banners of the lords Say, Wharton, and Brook, looked with equal abhorrence on episcopacy and presbyterianism, and laboured to introduce the more equal system of the independents. The Scots, however, with the aid of their English friends, procured petitions to be presented from several of the counties, from 15,000 inhabitants of the metropolis, and from 1800 ministers, all praying for the total abolition of the hierarchy. They were strenuously opposed by the lords Digby and Falkland, by Selden and Rudyard; but after a debate of two days, and a division in which the anti-episcopalians obtained a majority of thirty-two, the petitions were referred to a committee.* This success, though it encouraged their hopes, was far from assuring them of the victory. The king informed the parliament that his conscience would never allow him to assent to the destruction of an order, which he deemed essential to christianity: while the Scots on the contrary reasoned and solicited, prayed and preached, in favour of the presbyterian kirk. Curiosity and devotion led numbers to their service: the church allotted for their use was crowded from morning to night; and the lessons inculcated by their divines were zealously diffused by the auditory throughout the city. They were taught that the "knot of the question could only be cut by the axe of prayer;" and fasts were solemnly observed by the godly, that "the Lord might join the breath of his nostrils with the endeavours of weak men, to blow up a wicked and anti-scriptural church."†

Vote of the commons.

Dec. 18.

1641.

Jan. 23.

Feb. 9.

The marquess of Hamilton had suggested to Charles the policy of disarming the hostility of the reformers, by admitting them to his councils. The king heard him with expressions of anger: but the desire to save the lives of his friends, and to retain episcopacy in the church, subdued his repugnance: and Bristol, Essex, Bedford, Hertford, Mandeville, Savile, and Say, were by his command sworn of the privy council. At first the appointment gave general satisfaction: in a few days it was remarked that the language of the new counsellors had become more courtly,

Feb. 27.

* "They contested on together from eight in the morning to six at night. All that night our party solicited as hard as they could. To-morrow some thousands of the citizens, but in a very peaceable way, came down to Westminster Hall to countenance their petition." Baillie, 244.

† Baillie, 220. 224. 227. 230. 231. 236. 244. 250. Journals of Commons, 72. 81. 101.

people.* But the severest blow which he received, was an order made by the lords, and admitted by the king, that the privy counsellors should be examined upon oath, respecting the advice given by Strafford at the board; a precedent of lasting prejudice to the royal interest: for who after this would give his opinion freely, when he knew that such opinion might be made the matter of impeachment against him at the pleasure of his enemies?

Westminster hall had been fitted up for the trial. On each side of the lords sat the commons on elevated benches as a committee of their house, and near them the Scottish commissioners with the Irish deputies; the bearers of the remonstrance. Two private boxes behind the throne were prepared for the accommodation of the king and queen. Near them a gallery had been erected, which was daily crowded with ladies of the first quality. They paid high prices for admission: many took notes; and all appeared to watch the proceedings with the most intense interest. A bar, stretching across the hall, left one third for the use of the public.†

Each morning at nine the prisoner was introduced. He made three obeisances to the earl of Arundel, the high steward, knelt at the bar, then rose, and bowed to the lords on his right and left, of whom a part only returned the compliment. The managers, thirteen in number, opened the proceedings with a speech relative to some particular charge: their witnesses were examined and cross-examined upon oath; and the court adjourned for thirty minutes, that Strafford might have time to advise with his counsel, who sat behind him. When the court resumed, Strafford spoke in his own defence, and produced his witnesses, who, however, according to the practice of the age, were not examined upon oath. The managers then spoke to evidence, and the prisoner was remanded to the Tower.‡

* Carte's Ormond, i. 109—115. Journals, Nov. 30. Rushworth, iv. 53. 67. This has often been described as a petition from the Irish parliament: but in the journals it is denominated "the petition of several knights, citizens, and burgesses of the commons house of parliament in Ireland, whose names are underwritten."

† Rushworth, viii. pref. Baillie, i. 257. Whitelock, 41.

‡ Principal Baillie has given an interesting account of the trial in his letters to the presbytery of Irvine. "Westminster hall," he informs them, "is a room as long (and) as broad, if not more, than the outer house of the high church at Glasgow, supposing the pillars were removed.... We always behoved to be there a little after five in the morning. The house was daily full before seven. The tirlies that made them (the king and queen) to be secret, the king brake down with his own hands; so they sat in the eyes of all, but little more regarded than if they had been absent... It was daily the most glorious assembly the isle could afford; yet the gra-

Charges
made
against him.
Mar. 23.

Thus the proceedings were conducted during thirteen days. The articles against him amounted to eight-and-twenty, three of which charged him with treason, the others with acts and words, which, though perhaps not treasonable separately, might in the aggregate be called accumulative treason, because they proved in him a fixed endeavour to subvert the liberties of the country. The former stated, that in Ireland he had billeted soldiers on peaceable inhabitants, till he compelled them to submit to his illegal commands: that he had raised an army in Ireland, and advised the king to employ it in bringing *this* kingdom into subjection; and that of his own authority he had imposed a tax on the people of Yorkshire for the maintainance of the trained bands. The latter accused him of hasty, imperious, and unjustifiable expressions indicative of his temper and views, and of illegal proceedings, by some of which he benefitted his own fortune, by others he had injured the king's subjects in their liberties and property. Strafford replied with a temper and eloquence, which extorted praise even from his adversaries. To some of the charges he opposed warrants from the king, some he peremptorily denied, and others he sought to elude, by urging in his own favour the constant practice of the deputies who preceded him in Ireland: Against the new principle of accumulative treason he protested with spirit, ridiculing with felicity the arguments in its support, and appealing for protection to the statute law, the safeguard to preserve the liberties, and the beacon to guide the conduct of the subject.

The lords
favourable
to him.

As the trial proceeded, whether it were owing to his eloquence, or the violence of his prosecutors, or his frequent appeals to the pity of the audience, it was plain that the number of his friends daily increased. The ladies in the galleries had long ago proclaimed themselves his advocates: on the thirteenth day it appeared that the lords, who had formerly treated him so harshly, were won over to his cause. At the very commencement of the prosecution, sir Henry Vane, the younger, had purloined from the cabinet of his father, the secretary, a very important document, containing short notes taken by that minister of a debate at the council table, on the morning of the day on which the last parliament was dissolved. In it

vity not such as I expected. . . . After ten much public eating, not only of confections, but of flesh and bread, bottles of beer and wine going thick from mouth to mouth without cups, and all this in the king's eye. . . . There was no outgoing to return; and oft the sitting was till two, three, or four o'clock at night. p. 257—259.

Strafford was made to say, "Your majesty having tried the affection of your people, are absolved and loosed from all rule of government, and to do what power will admit. Having tried all ways, and being refused, you shall be acquitted before God and man: and *you have an army in Ireland, that you may employ to reduce this kingdom to obedience*: for I am confident that the Scots cannot hold out five months."

Vane communicated the discovery to Pym: the contents of the paper were moulded into the form of a charge, though the source from which the information had been derived, was carefully concealed: and to procure evidence in its support, each of the privy counsellors was examined, not only by written interrogatories, but also viva voce before the committee of impeachment. Of the most important passage, the advice to employ the Irish army "to reduce this kingdom," that is, the kingdom of England, all of them knew nothing: even the secretary himself on the first examination, replied that "he could not charge Strafford with that," and on the second, that "he could say nothing to that:" but before the third, it is probable that his memory had been aided by the inspection of a copy taken by Pym:* for he then recollected the very words, and deposed that they were uttered by the lord lieutenant.† At the trial April 5.

At the trial April 5. himself he repeated the same evidence, but knew not whether by "this kingdom" was meant England or Scotland; and in opposition to him Strafford produced all the members of the council, excepting Windebank, an exile in France, and Laud, a prisoner in the Tower, who declared that they had no recollection of the words, that the debate regarded the means of reducing Scotland, not England, and that they never heard the slightest hint of employing the Irish army any where but in the former kingdom. It was evident that in this charge the managers had failed: they determined as their only resource, to bring forward the notes themselves; and with this view, on the morning on which the prisoner was

April 10. to enter on the recapitulation of his defence, they demanded leave to produce additional evidence. The lords adjourned twice to their own house; they required the advice of the judges, and, after a long debate, resolved, with only one dissenting voice, that whatever favour were granted to the accusers, the same should be extended to the accused. This answer was received with a deep murmur of disappro-

* The original had been burnt with other papers respecting the last parliament. Baillie, 288. Clarendon, i. 230.

† Rushworth, viii. 52.

bation. Suddenly was heard a cry of "withdraw, withdraw:" and the commons, hastily retiring to their own house, deliberated with closed doors.*

The commons pass a bill of attainder. It is singular that these ardent champions in the cause of freedom should have selected for their pattern the most arbitrary of our monarchs, Henry VIII. But they had previously resolved,

on the first appearance of an unfavourable disposition in the lords, to abandon the way of impeachment, and to proceed by that of attainder.† Pym now, for

April 12. the first time, read the notes of the secretary to the house; and a bill to attain the earl of Strafford, for endeavouring to subvert the liberties of the country, was introduced. It met with strong opposition in every stage, particularly from lord Digby, son to the earl of Bristol, one of the most eloquent, and hitherto most popular members.‡ But it was not in his

April 21. power to stem the torrent: on the eleventh day the bill was read a third time and passed; and the next morning the names of fifty-four members, who had the courage to vote against, were placarded in the streets, under the designation of "Straffordians, who, to save a traitor, were willing to betray their country."

In the mean time the lords proceeded, as if they were ignorant of the bill pending in the lower house. Strafford

Strafford's defence. made his defence before them. He repeated in short the observations which he had previously made; contended that nothing objected to him

April 13. could amount to the crime of treason, and derided the new notion of accumulative treason, as if entity could be produced from the aggregation of non-entities. In conclusion he appealed to his peers in these words. "My lords, it is my present misfortune, it may hereafter be yours. Except your lordships provide for it, the shedding of my blood, will make way for the shedding of yours: you, your

* Baillie, i. 288, 289. Rushworth, viii. 552—571. Clarendon, i. 229. Lords' Journals, 207. Nalson, ii. 206. State Trials, iii. 1158. Cobb. Parl. Hist. ii. 744. While Whitelock was chairman of the committee, this important paper had disappeared. Every member solemnly protested that he did not take it away, nor know what had become of it. Copies, however, were given to the king and to Strafford. That in the possession of Charles was afterwards found to be in the hand-writing of lord Digby, whence it was inferred that he was the thief. Certainly the proof is not conclusive. Whitelock, 43, 44.

† Wariston, in his letter of Ap. 2, says "if they see that the king gains many of the upper house not to condemn him, they will make a bill of teinture." Dalrymple, ii. 117.

‡ See his speech in Rushworth, viii. 50—53. Nalson, ii. 157—160. It is, I think, decisive on this charge.

estates, your posterities be at stake. If such learned gentlemen as these, whose tongues are well acquainted with such proceedings, shall be started out against you: if your friends, your counsel, shall be denied access to you; if your professed enemies shall be admitted witnesses against you; if every word, intention, or circumstance, be sifted and alleged as treasonable, not because of any statute, but because of a consequence or construction pieced up in a high rhetorical strain, I leave it to your lordships' consideration to foresee what may be the issue of such a dangerous and recent precedent.

"These gentlemen tell me, they speak in defence of the commonwealth against my arbitrary laws; give me leave to say it, I speak in defence of the commonwealth against their arbitrary treason. This, my lords, regards you and your posterity. For myself, were it not for your interest, and for the interest of a saint in heaven, who hath left me here two pledges upon earth:" (at these words his breath appeared to stop, and tears ran down his cheeks: but, after a pause he resumed:) "were it not for this, I should never take the pains to keep up this ruinous cottage of mine. I could never leave the world at a fitter time, when I hope the better part of the world think that by this my misfortune, I have given testimony of my integrity to my God, my king, and my country. My lords! something more I had to say, but my voice and my spirits fail me. Only in all submission I crave, that I may be a pharos to keep you from shipwreck. Do not put rocks in your way, which no prudence, no circumspection, can eschew. Whatever your judgment may be, shall be righteous in my eyes. In te Domine, (looking towards heaven) confido: non confundar in æternum."*

The king, as soon as the bill of attainder passed the lower house, was careful to console his friend with the assurance that, though he might deem it expedient to make some sacrifice to the violence of the times, he would never consent that one, who had served the crown with such fidelity, should suffer in his life, or fortune, or honours. Perhaps, when he made this pro-

The king's efforts to save him.

* State Trials, 1462—1469. "At the end he made such a pathetic oration for half an hour as ever comedian did on the stage. The matter and expression was exceeding brave. Doubtless if he had grace and civil goodness, he is a most eloquent man. One passage is most spoken of: his breaking off in weeping and silence, when he spoke of his first wife. Some took it for a true defect in his memory; others for a notable part of his rhetoric: some that true grief and remorse at that remembrance had stopt his mouth; for they say that his first lady being with child, and finding one of his mistress's letters, brought it to him, and chiding him therefore, he struck her on the breast, whereof she shortly died." •Baillie, 291.

mise, he relied on his own constancy, perhaps on the success of some one of the projects in which he was engaged. 1. It had been suggested to him to reinforce the garrison in the Tower, by the introduction of a company of 100 trusty soldiers, which would give to him the command of that fortress: or to order the removal of Strafford to another prison, so that he might be rescued on the way. But Balfour, the lieutenant, was true to the cause of his countrymen. He refused obedience to the royal warrant, and spurned the offer made to him by his prisoner, of a bribe of £22,000, and a desirable match for his daughter. 2. The preference which the commons had shown for the Scottish army, their care to supply the invaders with money, while the pay of the English force in Yorkshire was allowed to accumulate in arrear, had created jealousy and discontent in the latter. Hence occasion was taken to sound the disposition of the officers, and to propose several plans, by which the army might be brought into the neighbourhood of the capital, to overawe the parliament, and to give the ascendancy to the royalists. That the king was privy and assenting to these projects, is certain: they were defeated by the disagreements among the officers, and the resentment of colonel Goring, who had aspired to the rank of a principal commander, and who, to gratify his disappointed ambition, betrayed the substance of the project to the earl of Newport, by whom it was revealed to the leaders of the party.* 3. The king had offered to leave the disposal of all the great offices of state to the earl of Bedford, in return for the life of Strafford. The condition was accepted: and that nobleman communicated it to his friends, who, with the exception of the earl of Essex, cheerfully acquiesced. Unfortunately, in the course of a few days Bedford died; and the lord

May 1. Say was employed in his place. By the advice of this new counsellor, Charles sent for the two houses, and informed them in a short speech, that had they proceeded according to law, he would have allowed the law to have its course: but, by adopting the way of attainder they had forced him to act in quality of a judge. He would therefore tell them, that neither Strafford, nor any other of his counsellors had ever advised him to employ the Irish army in England, or to alter the laws of the kingdom, or to look

* Whitelock, 43. Nalson, ii. 272. Warwick, 178. See the evidence in Rushworth, iv. 252—257. and Husband's Collection, 1643. It is difficult to arrive at the real history of the intrigue, as all the witnesses evidently strive to secure themselves from blame both with the king and the parliament. It was suspected as early as the third of March. Dalrymple, ii. 114. 119.

upon his English subjects as disloyal or disaffected. With this knowledge it was impossible that he should condemn the earl of treason; or pass the bill of attainder, if it were presented to him for his assent. That Strafford had been guilty of misdemeanors, was evident; and he was willing to punish him by exclusion from office during his life: but further he could not go: wherefore he conjured the lords to discover some middle way, by which they might satisfy public justice, without offering violence to the conscience of their sovereign.*

This well-meant but ill-timed speech sealed the doom of the unfortunate prisoner. The commons resented it as a most flagrant violation of the privileges of parliament: the ministers employed the following day (it was the Sabbath) in stimulating from the pulpit the passions and fanaticism of their hearers; and on the Monday crowds of men were seen in every direction crying out, "justice, justice," and declaring that they would have the head of Strafford, or of the king. They paraded before Whitehall: they proceeded to Westminster, and, taking post in the palace yard, insulted and menaced every member, who was supposed to be friendly to the object of their vengeance. Pym seized the opportunity to detail and exaggerate to the house the dangers of the country, the real or imaginary plots to bring forward the army, to gain possession of the Tower, and to procure aid from France; and while their minds were agitated with terror and resentment, proposed, in imitation of the Scottish covenant, a protestation, by which they bound themselves to defend their religion against popery, their liberties against despotism, and their king against the enemies of the nation. It was taken with enthusiasm, and transmitted to the lords, who ordered it to be subscribed by every member of their house. The intelligence was communicated by Dr. Burgess, a favourite preacher, to the populace, who expressed their satisfaction by cheers, and at his command, peaceably withdrew to their habitations.†

These manœuvres produced the intended effect. The catholic peers were excluded from their seats by the order to take the protestation:‡ the avowed friends of the lord lieutenant were kept away by the threats of the rioters; and the fate of the prisoner was left to the decision of a thin house, in which the opponents of

May 2.

May 3.

Protestation of the houses.

* Journals, 231, 232. Rushworth, viii. 734. Laud's Troubles, 176.

† Journals of Lords, 232. Of Commons, May 3.

‡ As soon, however, as the attainder had passed, leave was given for the catholic lords to take the civil part of the protestation, omitting that which concerned religion. Lords' Journals, iv. 243.

the court formed the majority. The first voted that the fifteenth and nineteenth articles had been proved, by which he was charged with having quartered soldiers on the peaceable inhabitants without lawful cause, and with having of his own authority imposed an illegal oath on all the Scots dwelling in Ireland. The judges, in answer to a question from the house, pronounced that for such offences "he deserved to undergo the pains and forfeitures of treason:" and the bill

Bill passed.

May 8.

was passed by a majority of twenty-seven voices to nineteen. A deputation waited on the king to solicit his assent in the name of both houses, and returned with a promise that it should be given on the following Monday.*

Strafford's
letter to the
king.

May 4.

Strafford had already written to Charles a most eloquent and affecting letter. He again asserted his innocence of the capital charge, and appealed to the knowledge of the king for the proof of his assertion: still he was ready, he was anxious to sacrifice his life as the price of reconciliation between the sovereign and his people. He would, therefore, set the royal conscience at liberty by soliciting him to give his assent to the bill of attainder. "My consent, Sir," he proceeded, "shall more acquit you herein to God, than all the world can do besides. To a willing man there is no injury done: and, as by God's grace, I forgive all the world, so, Sir, to you I can give the life of this world with all the cheerfulness imaginable, in the just acknowledgment of your exceeding favours; and only beg that in your goodness you would vouchsafe to cast your gracious regard upon my poor son and his three sisters, less or more, and no otherwise than as their unfortunate father may appear hereafter more or less guilty of this death." It may, however, be questioned, whether he really felt the magnanimous sentiments which he so forcibly expressed. He knew that, within three months a similar offer had saved the life of Goodman; and, when he heard that the king had complied with his request, he is said to have started with surprise from

* The original passage has been erased from the Lords' Journals: but Whitelock, who could not be ignorant, as he was one of the managers, informs us that the articles found to be proved were the fifteenth and nineteenth, (Whitelock, 45.) Radcliffe says that the fifteenth, the twenty-third, respecting the advice to employ the Irish army in England, and perhaps one more were voted to be proved, but as his memory might be deceived, he refers to the journals. He adds that the numbers on the division were twenty-two against sixteen. (Strafford papers, ii. 432.) But whatever the articles were, the bill was passed in the same shape in which it came from the commons. See it in Rushworth, viii. 756.

his chair, exclaiming, "Put not your trust in princes, nor in the sons of men, for in them there is no salvation."*

The king passed the Sunday in a state of the most poignant distress. Which was he to do, to break his word to the two houses, or to make himself accessory to the murder of a faithful servant? In this dilemma he sent for the judges, and inquired the grounds of the answer given by them to the lords; he sent for the bishops, and exposed to them the misgivings of his own conscience. One, Juxon of London, advised him not to shed the blood of a man, whom he believed to be innocent: Williams, and with him were three others, replied, that whatever might be his individual opinion as Charles Stuart, he was bound in his political capacity as king, to concur with the two houses of parliament. At the same time he was reminded of the dangers which threatened both himself and his family; that the public mind in the capital was kept in a state of alarming agitation; that reports of plots the most improbable were circulated and believed; and that a refusal on his part would infallibly provoke a tumult, the consequence of which could not be contemplated without horror. Late in the evening he yielded, and subscribed with tears a commission to give his assent to the bill.†

Distress of
Charles.

May 9.

He yields.*

As a last effort to save the life of a servant whom he so highly prized, Charles descended from his throne, and appeared before his subjects in the guise of a suppliant. By the hands of the young prince of Wales, he sent a letter to the lords, requesting that, for his sake, the two houses would be willing that he should commute the punishment of death into that of perpetual imprisonment. But the vultures that thirsted for the blood of Strafford, were inexorable: they even refused the king's request for a reprieve till Saturday; that the earl might have time to settle his temporal affairs.‡ The next morning

Death of
Strafford.
May 11.

* Rushworth, viii. 743.

† Strafford papers, ii. 432. Clarendon, i. 257. Laud's Troubles, 177.

‡ Lord's Journals, iv. 245. Burnet tells us from Hollis, whose sister Strafford had married, that he advised the following plan to save the earl's life. That Strafford should petition for a short respite to settle his affairs, the king with the petition in his hand should solicit the houses to be content with a minor punishment, and Hollis should persuade his friends to accede to the proposal, on the ground that Strafford would revert to his first principles, and become wholly theirs. The queen, however, being told that Strafford would in that case accuse her, advised her husband to send the letter, "which would have done as well," had she not persuaded him to add the postscript, "if he must die, it were charity to reprieve him

the unfortunate nobleman was led to execution. He had requested archbishop Laud, also a prisoner in the Tower, to impart to him his blessing from the window of his cell. The prelate appeared: he raised his hand, but grief prevented his utterance, and he fell senseless on the floor. On the scaffold, the earl behaved with composure and dignity. He expressed his satisfaction that the king did not think him deserving so severe a punishment; protested before God that he was not guilty, as far as he could understand, of the great crime laid to his charge, and declared that he forgave all his enemies, not merely in words, but from his heart. At the first stroke his head was severed from the body. The spectators, said to have amounted to one hundred thousand persons, behaved with decency; but in the evening the people displayed their joy by bonfires, and demolished the windows of those who refused to concur.*

Thus, after a long struggle, perished the earl of
Strafford's **guilt.** **Strafford,** the most able and devoted champion of
 the claims of the crown, and the most active and
 formidable enemy to the liberties of the people. By nature he
 was stern and imperious, choleric and vindictive. In authority he indulged these passions without regard to the provisions of the law, or the forms of justice; and from the moment that he attached himself to the court, he laboured (his own letters prove it) to exalt the power of the throne on the ruin of those rights, of which he once had been the most strenuous advocate. As president of the north, he first displayed his temper and pretensions: in Ireland he trampled with greater freedom on the liberties of the people; and after the rupture with the Scots, he ceased not to inculcate in the council, that the king had a right to take what the parliament

till Saturday;" which, he observes, was a very unhandsome giving up of the whole message. Burnet's own times, 32. This is told very incorrectly: That Strafford petitioned for a respite till Saturday, and that Hollis promised him his life, if he would employ his credit with the king to procure the abolition of episcopacy, we learn from Laud: but he adds, on the authority of the earl's assertion to archbishop Usher, that Strafford refused the condition. Laud's Troubles, 177. Neither did the king give up the request by the conditional postscript; for the same condition runs through the whole letter: "if it may be done without discontentment to my people"—"if no less than death can satisfy my people, fiat justitia." Journals, 245. The fact was, as Essex told Hyde, no minor punishment would satisfy the earl's enemies, who were persuaded that, if his life should be spared, the king would, at the conclusion of the parliament, grant him a pardon, and place him again over their heads. His death was their security. Clarendon, i. 242.

* Different copies of his speech may be seen in Somers' Tracts, iv. 254—265.

had undutifully refused to grant. Yet numerous and acknowledged as his offences were, the propriety of his punishment has been justly questioned. His friends maintained that, where the penalties are so severe, the nature of the offence ought to be clearly defined, to enable the subject to know and eschew the danger; that Strafford could not possibly suspect that he was committing treason, while he acted after ancient precedents, and on the recent decision of the judges in the case of ship-money; that the doctrine of constructive and accumulative treason, on which the commons relied, was new and unknown to the law; that it was unjust in his prosecutors, after they had impeached him before the lords, to interrupt the trial, because they anticipated his acquittal; and that the introduction of the bill of attainder, the employment of force to intimidate the lords, and the indirect means adopted to extort the assent of the king, sufficiently proved that vengeance as much as justice was the object of his adversaries. On their side it has been contended, that the man who seeks to subvert the national liberties is not to escape with impunity, because his offence has not been accurately described in the statute book; that the case, whenever it occurs, is one which ought to be submitted to the decision of the whole legislature; that no danger to the subject can be apprehended from such proceeding, because the ordinary courts of law do not make to themselves precedents from the conduct of parliament; and that the attainder of Strafford was necessary, to deter subsequent ministers from imitating his example. Perhaps it may be difficult to decide between these conflicting arguments: but to me there appears little doubt that, in a well regulated state, it is better to allow to offenders any benefit which they may derive from the deficiency of the law than to bring them to punishment by a departure from the sacred forms of justice.

The commons, however, were not satisfied with the blood of Strafford. They announced their intention of proceeding with the charge against archbishop Laud, and impeached six of the judges of treason or misdemeanors. Wren, bishop of Ely, of an attempt to subvert religion by the introduction of superstition and idolatry, and thirteen of the prelates of illegal proceedings in the late convocation. But though they threatened, they were slow to strike. Their attention was distracted by a multiplicity of business, and their progress was arrested at each step by the intervention of new subjects of debate. The issue of several of these prosecutions will be noticed at a later period.

More impeachments.

Queen's
terrors.

But a more exalted personage than any of these, the queen herself, began to tremble for her safety. She was a catholic; she had been educated in the court of a despotic monarch; and she was known to possess the attachment and confidence of her husband,—circumstances, any one of them, sufficient to excite the jealousy of the patriots, and to expose the princess to the misrepresentations of men who, with all their pretensions to religion, sedulously practised the doctrine, that the end sanctifies the means.* They described her to the people as the head of a faction whose object it was to establish despotism and popery: and tales were daily circulated, and defamatory libels published, in proof of that pernicious influence which she was supposed to exercise over the uxorious mind of her husband. It is indeed true, that, since the death of Buckingham, Charles had refused to have any other favourite than his wife; that he confided to her his cares, and fears, and designs; that he wished those who solicited favours to employ her mediation, that she might have the merit of serving them; and that he occasionally transmitted, through her agency, orders to his confidential friends. But the sequel of this history will demonstrate that she had not his judgment in her keeping: there were many points on which he required her to submit implicitly to his pleasure; and when once he had taken his resolution, it was not in her power, by reasoning or importunity, to divert him from his purpose.† Her mother, driven from France by the enmity of Richelieu, had found, during the two last years, an asylum in England, but the unpopularity of her daughter extended itself to the fugitive: she solicited a guard to protect her from the insults of the mob, and Charles persuaded her to return to the continent. Henrietta, terrified by the threats of her enemies, announced her intention of accompanying her mother, but the commons interposed; at their solicitation the lords joined in a petition requesting her to remain; and the

* Clarendon, in his character of lord Digby, mentions "the foul arts they could give themselves leave to use, to compass any thing they proposed to do; as in truth their method was first to consider what was necessary to be done for some public end, and which might reasonably be wished for that public end, and then to make no scruple of doing any thing which might probably bring the other to pass, let it be of what nature it would, and never so much concern the honour or interest of any person, who they thought did not, or would not favour their design." Clarendon papers, iii. Supplement, liii. Clarendon was an adversary, but his assertion seems to be fully supported by the facts.

† See instances of this in his letters to her from Newcastle, in the Clarendon papers, ii. 295. et seq.

queen, in a gracious speech pronounced in English, not only gave her assent, but expressed her readiness to make every sacrifice that might be agreeable to the nation.*

Hitherto on most subjects, the two houses had cheerfully concurred. Both had voted that the court of presidency of York was contrary to law; that the convocation had no power to make regulations binding either clergy or laity, without the consent of parliament, and that bishops and clergymen ought not to hold secular offices, or be judges or magistrates; they had passed several bills successively, giving tonnage and poundage to the crown, but only for short periods, that the repetition of the grant might more forcibly establish their right, and others abolishing the courts of star chamber and high commission, forbidding the levy of ship-money, taking away all vexatious proceedings respecting knighthood, and establishing the boundaries of the royal forests; they had, moreover, obtained the king's assent to two most important acts, —one appointing triennial parliaments to be holden of course, and even without the royal summons, and another investing themselves with paramount authority, since it prohibited the dissolution, prorogation, or adjournment of the present parliament, without the previous consent of the two houses. But the pretensions set up, and the power exercised, by the commons, began to provoke the jealousy of the lords. Many of the latter professed a determination to withstand every additional attempt to subvert the ancient constitution of the legislature, or the undoubted rights of the crown; and the king, that he might gain the services, or at least mollify the opposition of the leading peers, gave the several offices of governor to the prince, lord chamberlain, lieutenant of Ireland, and master of the wards, to the earls of Hertford, Essex, Leicester, and the lord Say. A new spirit seemed to be infused into the upper house, which without hesitation, successively rejected two bills sent from the lower house, one to exclude the bishops from their seats, and the other purporting "to provide security for true religion."†

Jealousy
between
the houses.

June 8.

July 29.

* Journals, iv. 314. 317.

† Journals, iv. 257. 269. 273. 281. 286. 298. 311. 333. 349. 357. To pay the English and Scottish armies, a poll tax was voted in which dukes were rated at 100*l.* marquesses at 80*l.* earls at 60*l.* viscounts and barons at 50*l.* baronets and knights of the bath at 30*l.* knights at 20*l.* esquires at 10*l.* gentlemen of 100*l.* per annum at 5*l.* and recusants to pay double: the scale descended through every rank and profession, to each person above sixteen years of age and not receiving alms. For these the lowest rate was sixpence. Somers' tracts, iv. 299. This tax raised 157,061*l.* 16*s.* 11½*d.* Ibid.

These symptoms of misunderstanding between the lords and commons awakened the most pleasing anticipations in the mind of the king, who still cherished the hope of being able to give the law to his opponents, and with this view sought once more to interest the army in his quarrel. With his approbation, and under his signature, the form of a petition, to be subscribed by the officers, was forwarded to sir Jacob Ashley, who acted in place of the earl of Holland, the commander-in-chief of the forces in Yorkshire. It stated the many and valuable concessions which the king had made to his people, adverted to the riotous assemblages which had lately attempted to control both the sovereign and the two houses, and prayed permission that the army might march to London for the purpose of protecting the royal person and the parliament. But the vigilance of the patriots detected their promptitude defeated, the project: and to prevent the recurrence of similar intrigues, they hastened the conclusion of the treaty with the covenanters, and stipulated for the dissolution of both the English and Scottish armies.*

It had been agreed that the king should be present at the next session of the Scottish parliament; but as the time approached, a sudden alarm seized both the Scottish commissioners in London, and the leaders of the country party. They threw every obstacle in his way; they petitioned him again and again to postpone his journey.† It seemed, however, as if the same object which induced them to retard, urged him to hasten his departure. He left London, traversed, without stopping, the quarters of the army in Yorkshire, accepted with apparent cheerfulness an invitation to dine with Lesley at Newcastle, and was received by a deputation from the estates at his entrance into the Scottish capital. It was now his policy to ingratiate himself with his northern subjects. He appointed Henderson his head chaplain, listened with patience

King in Scotland. Aug. 14.

p. 383. The reader is aware that in ancient times the three estates taxed themselves separately, and so much of the old custom was retained, that the lords still appointed receivers for themselves, and for such dowagers as had the privilege of the peerage, 258. 297.

* See the examinations of Legge, Ashley, Coniers, Hunks, Lucas, and O'Nial, in Husband's collection and the journals. Lords' journals, 441. Commons' journals, Nov. 17.

† Charles left a commission to give the royal assent to *certain* bills, when they should have passed the houses. The commons brought in a bill to extend the powers of the commissioners to *all* the bills which should pass. The lords at their request, sat for this purpose on the Sunday, but they designedly raised so many objections, that it was not ready on the Monday morning, and Charles, refusing to wait any longer, began his journey. Journals, iv. 294. 349—357.

to the lengthened sermons of the ministers, and attended constantly the service of the kirk. The revenues of the dissolved bishoprics were divided, with the exception of a small portion reserved for the universities of Edinburgh, Glasgow, and Aberdeen, among the leading noblemen. The most valuable branches of the prerogative were successively severed from the throne; even the right of appointing the principal officers of state was, after a short struggle, surrendered.* The king's great object in making these concessions, was to obtain security for his friends, whom, under the name of incendiaries, he had been compelled to abandon to the mercy of the estates, and who were threatened by their countrymen with the fate of the earl of Strafford. The leading covenanters expressed a willingness to gratify their sovereign; expedients for an "accommodation" were suggested and discussed, and a successful result was generally anticipated, when the harmony which had hitherto prevailed, was interrupted by an event distinguished in Scottish history by the name of the "Incident."

Though the marquess of Hamilton had long enjoyed the confidence of Charles, and been employed by him in matters of the highest consequence, a suspicion existed that he sought to secure to himself the friendship of the covenanters, by betraying to them the secrets of his sovereign. Long ago an offer had been made to Laud and Strafford to prove his guilt by the testimony of "as good men as were to be found in Scotland: but they refused to listen to a project, which, in the result might entail on themselves enmity and disgrace.† Montrose, since his defection to the king, had assured him by letter that men were to be found, who, if they were supported by the presence of their sovereign, would not hesitate to make and prove the charge of treason against both Hamilton and Argyle. But his intrigues with the court were either discovered or suspected: and, before the king's arrival in Scotland, Montrose and his associates had been committed as "plotters and banders" to the castle of Edinburgh. It was, however, apparent that Hamilton rapidly declined in the royal favour. One day the lord Kerr sent him, by the earl of Crawford, a challenge of treason. He appealed to the parliament; an act was passed asserting his innocence; Sept. 29.

* Charles gave in a list of forty-two counsellors and nine officers of state. The names of eight counsellors were erased, and others substituted. Of the great officers, Loudon, whom Charles had named as treasurer, was made chancellor, and the treasury put into commission. Balfour, 366. 148.

† Warwicke's Memoirs, 140.

and Kerr was compelled to make an apology and submission.* Yet a fortnight did not elapse before he received information from the lord Amond that a plot was in agitation

Oct. 11. to arrest him, his brother Laneric, and the earl of Argyle, in the palace, and to carry them on board a king's frigate in the Frith, or in case of resistance to deprive them of life. All three hastily took their leave, and fled to Kinneil: their friends fortified their houses; and the citizens paraded the streets during the night. In the morning Charles, with a guard of 500 men proceeded to the parliament-house, complained of the flight of the three noblemen as an imputation on his character, and demanded with tears a public inquiry into the whole matter. The estates hesitated: he daily repeated his demand; but though the lords seemed

Oct. 21. to acquiesce, the commissioners of the shires and burghs obstinately insisted on a private trial before a committee. On the tenth day the king yielded: the inquiry was conducted in secret, and the result

Nov. 1. seems to have been a declaration on the part of the estates that the three noblemen had sufficient reason for their abrupt departure, and an acknowledgment on their part, that they never entertained any suspicion of the king's justice or goodness, but had fled through fear of the dark machinations of their enemies. They returned to the parliament: Argyle was created a marquess, Loudon and Lindsay were made earls, and Lesley obtained the title of earl of Leven, and the king in return secured the lives of "the incendiaries and plotters" by an arrangement, which

Nov. 17. left the trial to a committee of parliament, but reserved the judgment to himself.†

Before Charles departed from Edinburgh, he received the most alarming intelligence from Dublin. The proceedings of the English parliament, and the success of the Scottish covenanters, had created a deep and general sensation in Ireland. Could that be blameable in Irishmen which was so meritorious in others? Had not they an equal claim to extort the redress of grievances, and

* Balfour, iii. 81—86.

† On this subject see Balfour, iii. 94—118, 121—125, 127, 130. Hardwicke papers, ii. 299. Evelyn's memoirs, ii. App. 525, 529. Baillie, i. 330—332. Clarendon, i. 298. The real accuser was Montrose, who wrote to the king, and offered the aid of his friends: and the anxiety of Hamilton and Argyle to prevent a public investigation, provokes a suspicion that they feared some unfavourable disclosures. The English privy council having examined the depositions, and three letters in which Hamilton asked pardon, declared that nothing had happened which could throw any imputation on the king's honour. Evelyn, *ibid.*

to repel religious persecution? These questions were asked in every company: and, in reply, it was observed that new shackles had been forged for the national rights, new dangers prepared for the national faith: that the English parliament had advanced pretensions to legislate for Ireland, and that the leaders both in England and Scotland, in all their speeches, publications, and remonstrances, displayed the most hostile feelings towards the catholic worship, and a fixed determination to abolish it, wherever their influence should extend. Why, then, should not Irishmen unite in their own defence? Why not assert their rights and establish their religion, while their enemies were occupied at home by the disputes which divided them and their sovereign?*

Among the gentlemen of Kildare was Roger Moore, of Ballynagh, of ancient descent, of insinuating manners, and considerable eloquence. He retained but a scanty portion of that ample domain which had once been the patrimony of his ancestors, but was now parcelled out among English planters: and the hope of recovering that which he believed to have been unjustly torn from his possession, led him into different parts of Ireland, where he exhorted the natives to take up arms, and to vindicate their own rights. He had sounded the disposition of the lords of the pale, and from them he proceeded to excite the more inflammable passions of the ancient Irish.

Though the two races were intermixed by marriages, though they professed, in opposition to the law, the same religion, there still remained a marked difference in their habits and feelings, which prevented any cordial co-operation between them. The ancient Irish had suffered more grievous wrongs from the English government by the transfer of their property to foreign planters: the modern, though they complained of fines and inquisitions, had hitherto been treated with greater indulgence. The former longed for the restoration of the catholic church in its ancient splendour; the latter, who had obtained their share of ecclesiastical plunder, felt no desire of a revolution which might compel them to

* Nalson, 543. Borlase, App. 128. "The Irish," says Laud, "pretended the Scots example, and hoped they should get their liberties, and the freedom of their religion as well they." Laud's Troubles, 184. "They demand, says the earl of Clanricarde, why it might not be more lawful, and much more pardonable, to enter into a covenant for the preservation of their religion, your majesty's rights and prerogatives, and the just liberties of the subject, than for others to enter into one that hath been an occasion to lessen and impair your majesty's lawful power and interests." Clanricarde, p. 61.

restore their late acquisitions. The one had always been in the habit of seeking the protection of foreign princes, the other had constantly adhered to the sovereign, even in wars against their countrymen of the same religion.* Hence the Irish chieftains of Ulster, particularly Cornelius Macguire, baron of Inniskillen, and sir Phelim O'Nial, who, after the death of the son of Tyrone, became chieftain of that powerful sept, listened with pleasure to the suggestions of Moore. It was agreed among them to consult their countrymen abroad, and to prepare for a rising in the following autumn.†

The gentlemen of the pale adopted a very different plan. By their influence in the two houses they persuaded the Irish to imitate the conduct of the English parliament. Inquiries were instituted into the abuses of government, and commissioners were sent to London to demand from the justice of Charles those graces, the purchase money of which he had received thirteen years before. It was plainly his interest to conciliate his Irish subjects. He gave them a most flattering reception, bestowed particular marks of attention on lord Gormanstown, the head of the deputation; and bade them hope for full redress from his equity and affection. But he had a more important object in view. Strafford had frequently assured him of the devotion and efficiency of the 8,000 men lately raised in Ireland: and Charles, as he foresaw that the quarrel between him and his opponents would ultimately be decided by the sword, had sent private instructions to the earls of Ormond and Antrim to secure them for his service, to augment their number under different pretexts, and to surprise the castle of Dublin, where they would find arms for 12,000 men. But it was well known that these levies consisted principally of catholics, a circumstance sufficient to provoke the jealousy of the English parliament. The houses petitioned that they should be immediately disbanded. Charles hesitated: they renewed their petition; he acquiesced: but with an order to that effect transmitted a secret message to the two earls, to prevent by some expedient or other the dispersion of the men, which was followed by commissions to several officers to enlist at first one half, afterwards the whole number, for the service of Spain.‡

Charles, on the eve of his departure for Scotland, had granted the chief requests of the Irish deputation, and signed

* Rinnueini's Manuscript Narrative, in initio.

† Nelson, 544, 555. Carte, iii. 30. Clarendon papers, ii. 69. 80. 134.

‡ See Antrim's information in the Appendix to Clarendon's History of the Irish Rebellion. Lords' Journals, 230. 339. 345. Carte's Ormond, i. 132, iii. 31. 33.

two bills to be passed into laws, one confirming the possession of all lands which had been held without interruption for sixty years, and another renouncing all claims on the part of the crown, founded on the inquisitions held under the earl of Strafford. Gormanstown and his colleagues acquainted their countrymen with their success, and hastened in triumph to Dublin. But the lords justices Borlase and Parsons, were less the ministers of the king, than the associates of his opponents. Aware that the passing of these bills would attach the whole population of Ireland to the royal interest, they disappointed the hopes of the deputies, by proroguing the parliament a few days before their arrival.*

Aug. 7.

Whether Ormond attempted to execute the royal orders is uncertain. Antrim kept his instructions secret, and endeavoured to feel his way through the agency of the officers commissioned to raise soldiers for the Spanish service. These, by their intrigues with the members of the parliament, discovered among them men to whom they might safely reveal the real secret of their mission: that they had come not to take away, but to detain the Irish army in the island. Its services were required by the sovereign. He had received many wrongs from his subjects in England and Scotland: it remained for Irishmen to display their attachment to his person, and by rallying in defence of the throne, to prevent the extirpation of their religion. From the catholics of the pale, they turned to the chieftains of Ulster, whose previous determination to unsheath the sword rendered such exhortations unnecessary. To them the intelligence was a subject of triumph: they approved the design of surprising the castle of Dublin, and promised not only to co-operate in the attempt, but to attack on the same day most of the English garrisons in the northern counties.

Secret intrigue by the king.

After much private consultation it was determined by Antrim and his confidential friends to postpone the rising to the first day of the meeting of parliament in the month of November, to secure at the same moment the castle and the persons of the lords justices, and to issue a declaration in the name of the two houses, that the Irish people would support the sovereign in the possession of all the legal rights of the throne. But procrastination accorded not with the more sanguine temper of the ancient Irish, whose impatience was stimulated by the exhortations of Moore, and who persuaded themselves that, if they only began, the pale would follow.

* Carte's Ormond, iii. 139, 140. Temple, 15. Borlase, 17. Journals of Irish Com. 210, 539. Castlchaven's Memoirs, 40.

their example. It had been previously understood that the combined attempt should be made on the 5th of Sep. 26. October; they now determined to make it themselves on the 28d. On the morning of the 22d, several of the leaders repaired to Dublin: but many were wanting: and of 200 trusty men appointed to surprise the castle, eighty only appeared. They resolved to wait till the next Oct. 23. afternoon for the arrival of their associates: and during the night the plot was betrayed by Owen Plot discovered. O'Conolly to sir William Parsons. Though the gates of the city were instantly closed, the chief of the conspirators, with the exception of lord Macguire and Macmahon, made their escape.*

Rebels in Ulster. Their associates in Ulster, ignorant of the discovery of the plot, rose on the appointed day. Charlemont and Dungannon were surprised by sir Phelim O'Nial at the head of his sept: Mountjoy by O'Quin, Tanderage by O'Hanlan, and Newry by Macginnis. In the course of the week all the open country in Tyrone, Monaghan, Longford, Leitrim, Fermanagh, Cavan, Donnegal, Derry, and part of Down, was in their possession. The natives of the other planted counties soon followed the example: and by degrees the spirit of insubordination and revolt insinuated itself into the most loyal and peaceable districts. Still the insurgents were no more than tumultuary bodies of robbers, for the most part unarmed, who rose in a mass, plundered some neighbouring plantation, and returned home to the division of the spoil. Whenever they were met by men in arms, they shrunk from the contest, or paid dearly for their temerity. No quarter was given by their enemies: and sir Phelim O'Nial suffered during the month of November several severe losses.†

Whether it was that the lords justices felt themselves unequal to the station which they held, or that they allowed the insurrection to grow, for the sake of the forfeitures which must follow its suppression, their conduct displayed no energy against the rebels, and little commiseration for the suffer-

* See, for most of these particulars, Macguire's relation in Borlase. App. 9. and Nalson, 543—555. He may perhaps conceal some things, but I have no doubt of his accuracy as far as he goes. What he relates respecting the intrigues of the officers, strongly confirms the information of lord Antrim. Consult also the letter of the lords justices, and Conolly's testimony in the Lords' Journals, 412—416.

† See the letters in Carte's Ormond, iii. 38, 39, 40. 44. "The like war was never heard of. No man makes head; one parish robs another, go home and share the goods, and there is attend of it; and this by a company of naked rogues." Ibid. 47. Also, Clanricarde's Memoirs, 6. 35, 36, 38.

ings of the loyalists. They despatched information to the king and the lord lieutenant, fortified the city of Dublin, and, secure within its walls, awaited the arrival of succours from England. In the mean time the open country was abandoned to the mercy of the insurgents, who mindful of their own wrongs and those of their fathers, burst into the English plantations, seized the arms and the property of the inhabitants, and restored the lands to the former proprietors or to their descendants. The fugitives with their families sought in crowds an asylum in the nearest garrisons, where they languished under that accumulation of miseries, which such a state of sudden destitution must invariably produce.*

In defence of their proceedings the rebel chiefs published a declaration, that they had taken up arms in support of the royal prerogative, and for the safety of their religion against the machinations of a party in the English parliament, which had invaded the rights of the crown, intercepted the graces granted by the king to his Irish subjects, and solicited subscriptions in Ireland to a petition for the total extirpation of the protestant episcopacy and of the catholic worship. At the same time, to animate and multiply their adherents, they exhibited a forged commission from the king, authorizing them to have resource to arms, and a letter from Scotland, announcing the speedy arrival of an army of covenanters, with the bible in one hand and the sword in the other, to proselytise or destroy the idolatrous papists of Ireland.†

Their apology.

Charles, having communicated this intelligence to the Scottish parliament, and appointed the earl of Ormond commander of the forces in Ireland, repaired to England. On his entry into the capi-

Charles returns to London.

* "The planted country of Leitrim are all in combustion, and have taken all the towns but three strong places. They have set up O'Bourke, being formerly O'Bourke's country." Clamricarde, 17. "There being no nobleman of the kingdom in action, nor any gentleman of quality of English extraction, and many of the ancient Irish still firm, yet such is the strange distrust and jealousy of this time, and the dilatory proceedings thereupon, that we are all like to be destroyed by loose desperate people, having not any manner of defence allowed us, and many possess with such panic fears that strong places are quitted without any resistance." p. 29. See Note (A) at the end of the volume.

† Nalson, ii. 555. 557. The pretended commission is in Rushworth, iv. 400. Its authenticity has been denied by the friends, and affirmed by the enemies, of Charles. I have no hesitation in pronouncing it a forgery. It was never appealed to by the rebels in any of their remonstrances, or apologies, and contained clauses which never could have been authorized by the king; as, for example, a warrant to the catholics to arrest and seize the goods, estates, and persons of all English protestants.

tal, he was met by the lord mayor, the sheriffs, and the principal citizens in procession; and having dined in public in the Guildhall, was hailed, as he retired to his palace, with the loud congratulations of the spectators. This burst of loyalty taught him to augur well of the attachment of his subjects, and to bear with greater fortitude the new mortifications which had been prepared for him by his opponents in parliament. They had of late observed an alarming defection from the number of their supporters, and saw that moderate men, satisfied with the sacrifices already made by the king, began to deprecate any further encroachment on the royal authority. On the other hand, the incident in Scotland, the secret advices from their commissioners in that kingdom, and the knowledge that Charles had acquired information respecting their clandestine practices with the invading army, convinced them that they had gone too far to expect forgiveness, and that additional security was necessary to preserve them from the vengeance of the offended monarch. To create a strong sen-

The remon-
strance.

sation, and prepare the public mind for their next demands, they resolved to present to the king a remonstrance on the state of the nation. It commenced by asserting the existence of a coalition of jesuited papists, bishops, corrupt clergymen, and interested courtiers, whose common object it was to subvert the liberties of England: then followed a long enumeration of every real or imaginary grievance, which had excited complaint since the death of James: to this succeeded a catalogue of the several remedies which had been already provided, or were yet contemplated, by the wisdom of parliament, and the whole concluded with a complaint that the efforts of the commons were generally rendered fruitless by the intrigues of the malignant faction which surrounded the throne, and the combination of the popish lords with ill-affected bishops, who formed so powerful a party in the upper house. This remonstrance met with the most spirited opposition: nor was it carried till after a debate of twelve hours, and then by a majority of eleven voices only. But the patriots were careful to pursue

their victory. An order was made that no correction should be presented to the king on his return, and another that it should be printed for the edification of the people. Charles, though offended, was not surprised at the asperity of its language, or the groundlessness of its assumptions: but he felt the publication as an insult of a new order, an appeal from the equity of the sovereign to the passions of the subject, and he declared in a temperate but eloquent answer from the pen of Hyde, that he had never

refused the royal assent to any one bill presented to him for the redress of grievances; and that as he had secured for the present, so he would maintain for the future, the just rights of all his subjects. Evil counsellors he had no wish to protect; but the choice of his ministers was a right that he would not resign. If there were persons who desired to lessen his reputation and authority, and to introduce the evils of anarchy and confusion, he trusted in God with the help of his parliament to confound their designs, and to bring them to punishment.*

The rebellion in Ireland furnished the zealots with a plausible pretext for indulging in invectives, and displaying their animosity against the professors of the ancient worship.† In September commissioners had been appointed to disarm the recusants in every part of the kingdom: now the commons denounced to the peers seventy catholic lords and gentlemen as dangerous persons, who ought to be confined in close custody for the safety of the state. The queen's confessor was sent to the Tower, and the establishment for the service of her chapel dissolved: pursuivants were appointed by the authority of the lower house, with powers to apprehend priests and jesuits: orders were issued for the immediate trial of all such prisoners: the king was importuned not to grant them pardons or reprieves:‡ and a resolution was passed by both houses never to consent to the toleration of the catholic worship in Ireland, or in any other part of his majesty's dominions.§ Charles gently chided their violence: they were making the war in Ireland, a war of religion: let them rather provide supplies of men and money for the protection of the royalists, and the defence of his crown. But to this there was an insurmountable obstacle. The country party had determined to possess themselves of the command of the army, and the king was resolved not to part with that which now seemed the last support of his throne. Before his arrival the houses had appointed a council of war, had

Proceed-
ings of
Parliament.

Dec. 1.

* Rushworth, iv. 436. 452. Journals, Nov. 22. Dec. 2, 3. Clarendon, i. 310—335, 336.

† On the credit of Beale, a tailor, who pretended to have heard some unknown persons conversing behind a hedge, the commons gravely affected to believe that more than a hundred members were marked out as victims to be slain by popish assassins. Journals, Dec. 16, 17, 26, 27. Of Lords, 439. Evelyn's Memoirs, ii. App. 73.

‡ If the reader wishes to see the pertinacity with which they sought the death of seven catholic priests, he may consult the Journals, Dec. 8. 11. 13, 14, 15. 31. Mar. 21. Ap. 9. Lords' Journals, 472. 476. 479. 501.

§ Journals, 473. 476. 480. Commons, Dec. 8. Rushworth, iv. 445.

commissioned the earl of Leicester to raise men for the service in Ireland, and had given their approbation

Dec. 3. to the officers whom he proposed to employ. To hasten the levy the commons passed a bill for the pressing of soldiers: and at the same time complained in a conference of the slowness of the proceedings in the other house. They argued that the lords were only private individuals; while the commons were the representatives of the nation: and declared that, if the former refused to pass the bills, which were necessary for the public safety, they, taking with them such peers as did not shrink from the performance of their duty, would represent the matter to the sovereign. This menace made little impression: the lords objected to the declaratory clause, which denied to the king a right enjoyed by all his predecessors, but Charles unadvisedly interfered,

Dec. 14. and assured the houses that he would pass the bill, if a proviso were added saving his claim, and the liberties of his people. Had the proposal come as an amendment from one of the ministers, no objection could have been made; but the personal interference of the sovereign during the progress of a bill, was undoubtedly informal, and

Dec. 16. both houses remonstrated against it as an infringement of the privileges of parliament.*

I should only fatigue the patience of the reader, were I to detail the minor causes of dissention which sprung up in quick succession between the king and his opponents, or to inquire who were the original aggressors in the quarrels which daily occurred between their respective partizans. Mobs of armed men paraded the streets, for the avowed purpose of protecting the parliament, and many officers and gentlemen spontaneously assembled at Whitehall, to defend the king and the royal family from insult. The two parties frequently came into contact with each other: and though no lives were lost, the most irritating language, and sometimes blows were exchanged.†

Commitment of twelve bishops.

The remonstrance had pointed the fury of the populace against the bishops, who, on one occasion, were so alarmed by the cries which they heard in the palace yard, that they shut themselves up in the house, till the darkness of the night enabled them to steal away to their respective homes. The next day Williams, who had made his

* Commons' Journals, Dec. 3. 16. Lords' Journals, 476. Clarendon, ii. 325.

† Rushworth, iv. 463. Clarendon, i. 356. 371, 372. Warwick, 186.

peace with the king, and had been preferred to the archbishopric of York, prevailed on eleven other prelates to join him in a declaration, which was delivered by the lord keeper to the upper house. It stated that the bishops could no longer, without danger to their lives, attend their duty in parliament, and that they therefore protested against the validity of any votes or resolutions of the house during their absence. This extraordinary announcement was heard with surprise and indignation. To retire or to remain was at their option: but to claim the power of suspending by their absence the proceedings of parliament, was deemed by their adversaries an assumption of sovereign authority. The commons, after a debate with closed doors, impeached the twelve prelates of high treason. Williams boldly professed his readiness to meet the charge: the others, intimidated by the violence of the times, apologized for their conduct. Ten were committed to the Tower, two, the bishops of Durham and Lichfield, on account of their age and infirmity, to the usher of the black rod.*

Dec. 29.

Dec. 30.

Before the surprise excited by this unexpected event had worn away, the public mind was agitated by another and still more extraordinary proceeding. Some hints had been dropped by the patriots of an impeachment of the queen: the information, probably through design, was conveyed to Charles:† and he, irritated and alarmed, hastily adopted the following bold but hazardous expedient.

Six members impeached by the king.

On the fourth day after the committal of the prelates, the attorney-general appeared at the bar of the house of lords, and in the name of the king impeached of high treason the lord Kimbolton, Hollis, Haslerig, Pym, Hampden, and Stroud, all distinguished members of the country party. He charged them with having conspired to alienate from the king the affections of his people, to excite disobedience in the army, to subvert the rights of parliament, and to extort the consent of the majority by

1462.

Jan. 3.

* Lords' Journals, 496—499. Commons' Journals, Dec. 30. Rushworth, iv. 466. Clarendon, i. 350. Thirteen bishops had been already (Aug. 13.) impeached of high crimes and misdemeanors, on account of the canons framed in the last convocation, (Lords' Journals, 363.) but as they were admitted to bail, they still retained their seats. Those who were impeached for the protest were the prelates of York, Durham, Norwich, Gloucester, Lichfield, St. Asaph, Bath and Wells, Oxford, Hereford, Ely, Peterborough, and Llandaff. By sending them to the Tower, the country party deprived their opponents of twelve votes.

† Clarendon, i. 418.

the influence of mobs and terror; and with having moreover invited a foreign force into the kingdom, and actually levied war against the sovereign.* It was expected that the lords would pay that deference to the king, which they had so lately paid to the commons, and would order the members impeached, as they had ordered the prelates, to be taken into custody. But the house appointed a committee to search for precedents: and Charles, indignant at the delay, sent a serjeant at arms to the commons to demand the persons of the five members. They returned for answer, that it was a matter which required serious deliberation, but that the individuals accused should be forthcoming to answer every legal charge.†

Jan 4. The next day the king himself, attended by his guards, and a number of officers with their swords, proceeded to the house of commons. He bade the others remain at the door, and accompanied only by his nephew, the prince elector, entered the house. Having taken the chair, he looked around him, and not seeing the persons whom he sought, inquired of the speaker, if they were present.‡ Len-
thal, falling on his knees, replied that he was merely the organ of the house, that he had neither ears to hear, nor tongue to speak, but as he was directed by it. The king seating himself said, that in cases of treason there was no privilege; that it was not his intention to offer violence, but to proceed against the accused by due course of law; that, if the birds had not flown, he would have taken them himself; as the case was, he expected from the loyalty of the house that they would send them to him, or he should have recourse to other expedients. He was heard in silence, and retired amidst low but distinct murmurs of "privilege, privilege."§

* By the late treaty with the Scots, Charles had stipulated that an act of oblivion should be passed in parliament, "burying in forgetfulness all acts of hostility between the king and his subjects, which might arise from the coming of the Scottish army into England, or any attempt, assistance, counsel, or advice, having relation thereunto." (Rushworth, iv. 370.) After the ratification of this treaty, though the act of oblivion had not passed, I see not how the king could in honour impeach the six members on the subject of their previous intrigues with the Scots.

† Journals of Lords, 500—503. Of Commons, Jan. 3. Rushworth, iv. 473—477. Clarendon attributes this bold but unfortunate proceeding to the advice of lord Digby, who, by supporting the bishops and Strafford, had become so odious in the house of commons, that he had been called up to the lords. Clarendon papers, iii. Supplement, iv. Hist. i. 339.

‡ "His design was betrayed by that busy stateswoman the countess of Carlisle, who had now changed her gallant from Strafford to Pym, and was become such a she saint, that she frequented their sermons, and took notes." Warwick, 204.

§ Commons' Journals, Jan. 4. Rushworth, iv. 477. Whitelock, 52. 53. Each of the five members made a short speech in his own defence; but

This unadvised and abortive attempt completed the degradation of the unfortunate monarch. It was equally condemned by his friends and enemies: and it furnished the latter with the means of working on the passions of their adherents, and of exciting them to a state bordering upon frenzy. The commons adjourned for a week; but during this recess a permanent committee sat at the Guildhall to concert matters with their partisans in the city, and to arrange a new triumph over the fallen authority of the sovereign. On the appointed day the five accused members proceeded by water to the house. They were escorted by 2,000 armed mariners in boats, and by detachments of the train bands with eight pieces of cannon on each bank of the river; and were received on landing by 4,000 horsemen from Buckinghamshire, who had come to assert the innocence, and to demand justice for the libel on the character of Hampden, their representative. The air resounded with shouts of joy, and with military music: and, as the procession passed by Whitehall, the populace indulged in the most unseemly vociferations against the misguided monarch. But Charles was no longer there. Distrusting the object of his opponents, he had on the preceding evening fled with his family to Hampton court.*

Triumph
of his op-
ponents.

Jan. 11.

It now became evident that the hope of a reconciliation was at an end. Both parties resolved to stake the issue of the contest on the sword: and if they hesitated to declare themselves openly, it was that they might make preparations, and obtain an opportunity of throwing the blame of hostilities on each other. In the mean time their most secret counsels were reciprocally betrayed. The king had many devoted servants in the house of commons. Lord Falkland and sir John Colepepper, who had accepted official situations, gave him every information in their power: and Hyde, while he cautiously disguised his attachment from his colleagues, repaired to the king in the night, acquainted him with what passed in the several committees, and supplied him with answers to the

Intrigues in
court and
the two
houses.

they appear to have evaded the charge of inviting a foreign enemy into the kingdom, by supposing that it alluded to the vote by which the commons requested the aid of the Scots to put down the Irish rebellion. The speeches are in Somers' Tracts, iv. 330—340, where by mistake, that which belongs to Hollis is attributed to Kimbolton, who was a member of the upper house.

* Rushworth, iv. 480—484. Nalson, ii. 823. 829. Whitelock, 54. Clarendon, i. 380.

messages and declarations of his opponents, even before they were regularly submitted to the sanction of the house.*

On the other hand the patriots had spies or associates in the court, and the council, and even in the closet of the king. His most secret designs were immediately known and prevented. Hence to his surprise a guard was established round the Tower to prepare against the danger of a surprisal. Goring, the governor of Portsmouth, received instructions to obey no order which was not communicated through the two houses; the earl of Newcastle, sent by Charles on a secret mission to Hull, was commanded to attend his duty as a peer, and sir John Hotham, with his son, hastened to secure that important place for the parliament; and when it was known that the gentlemen, who, as volunteers, had escorted the king to Hampton court, under the command of colonel Lunsford,

had received a message from him the next morning by the lord Digby, orders were issued to the sheriffs to disperse all assemblies of armed men in their respective counties, and Digby and Lunsford were impeached of high treason.†

Aware that by his irregular entrance into the house of commons, he had given the vantage ground to his adversaries, Charles attempted to retrace his steps by apologizing for his conduct, by promising to proceed against the five members by due course of law, by abandoning the prosecution altogether, and proposing that they should accept a general pardon. But these concessions, instead of mollifying, strengthened their obstinacy. They rejected every offer, and insisted that, to atone for so flagrant a breach of privilege, he should deliver up the names of his advisers. He scorned to return an answer.‡

Dispute
about com-
mand of
forces.

Jan. 20.

To probe, however, the sincerity of their declarations, he made to them a request that they should lay before him, in one view, a summary of all the enactments which they required, respecting his authority and revenue, their own privileges, the rights of the people, and the reforma-

* Clarendon's Life, 46. 58. The papers were transmitted from Hyde to the king by gentlemen who offered their services, and who sometimes performed the journey to York, and brought back the answer in the short space of thirty-four hours. To prevent the possibility of detection, the king copied with his own hand all the papers sent by Hyde, and burnt the originals. Ibid. 55. 59.

† Husband, 202. Whitelock, 54. Clarendon, i. 384. 388. 418. His Life, 57. Clarendon papers, iii. App. liv. Rushworth, 495, 496. 565. Nalson, ii. 845. 863.

‡ Rushworth, iv. 490, 491.

tion of the church, with a promise that his answer should prove him one of the most easy and benevolent of monarchs. To such a proposal it would have been impolitic to return a direct refusal. But they grasped at the opportunity, to effect what they had long sought, and what they had previously demanded as "a ground of confidence,"* that the government of the forts, and the command of the army and navy, should be entrusted to officers nominated by the two houses of parliament. The king was startled by this answer. To assent to it was to deprive himself of a power essential to royalty, and to throw himself without resource at the feet of his enemies. He resolved to refuse: but his repugnance was gradually removed by some of his advisers, who maintained that whatever was "radically bad, could not be healed by the royal assent:" that as a commission under the great seal was of no effect, if it were contrary to law, so an act of parliament had no power to bind, when it was subversive of the ancient constitution of the realm. This reasoning was specious; it relieved the king from his present difficulties, by authorizing him to resume at pleasure, what he should now concede through necessity: and he Feb. 13. not only passed the two objectionable bills for pressing soldiers, and depriving the bishops of their seats, and of all temporal employments,* but offered to submit all disputes respecting the liturgy to the consideration of parliament; promised never to grant a pardon to a catholic priest without the previous consent of the two houses; requested to know the names of the persons who might be trusted with commands in the army, approved of the list, and only required, 1. that their appointment should be limited to a certain time; and, 2. that the extraordinary powers to be exercised by them, should previously be conferred by statute on himself, that they might receive them through him. But his opponents began to distrust the facility with which he now assented to their demands: they voted that his last proposal was in reality a denial; that those Mar. 5. who advised it were enemies to the state, and

* Clarendon, i. 428—430. Colepepper was of opinion that the king might safely reject the second of these bills, if he would give his assent to the first respecting the bishops. But Charles refused. He then went to the queen, brought her over to his opinion, and assured her of the popular favour, if she were known to promote the bill. With her aid he overcame the reluctance of the king. Such, at least, is the story told by Clarendon in the history of his own life (p. 50, 51.) But I doubt its accuracy. He seems to have forgotten that Charles assented to both bills at the same time.

should be brought to condign punishment; and that a speedy remedy ought to be provided by the wisdom of parliament. In a few days an ordinance was prepared, appointing by the authority of the two houses, fifty-five lords and commoners lieutenants of different districts: with power to nominate deputies and officers, and to suppress insurrections, rebellions, and invasions.* A long succession of declarations and answers served to occupy the attention of the public for several months. The king's opponents shrunk from the avowal of their real motives; and their allegations that there existed a design to bring in popery, that the papists intended to rise in England as they had done in Ireland, and that a council of papists governed the king, since they were evidently false and chimerical, gave to the replies composed for the monarch, a decided superiority.†

But the real object of Charles was, like that of his opponents, to prepare for war. He had in January sent his queen to Holland, under the pretence of conducting his daughter Mary to her husband, the prince of Orange, but for the purpose of soliciting aid from foreign powers, of raising money on the valuable jewels which she had carried with her, and of purchasing arms and ammunition. In the mean time, he gradually withdrew himself from the vicinity of the metropolis into the northern counties, and at last fixed his residence in York. A body guard was raised for him by the neighbouring gentlemen, to form in due time the nucleus of a more numerous army.‡

Leaving the king at York, the reader may now revert to the transactions in Ireland. Whatever projects might have been entertained by the lords of the pale, to whom Antrim had communicated his commission from the sovereign, they had been defeated by the premature insurrection of the Irish in Ulster. The castle of Dublin was secured from danger, by the vigilance of its governor, sir Francis Willoughby. The parliament assembled on the appointed day, but found itself controlled by a garrison of 4000 men; and another adjournment, by order of the justices, prevented it from interfering with the adminis-

* Rushworth, iv. 516—528.

† See them in Rushworth, iv. 528—552. Of the reports respecting the influence of the papists, secretary Nicholas writes thus to the king: “ye alarme of popishe plots amuse and fright the people here more than any thing, and therefore that is y^e drum that is so frequently beaten upon all occasions.” Oct. 27. Evelyn's Memoirs, ii. App. 46.

‡ D'Orleans, *Révolutions d'Angleterre*, 91. Clarendon, i. 419.

tration of government. The lords and gentry of English descent made a tender of their advice and support. Both were unceremoniously refused; even the arms which they had obtained for their own defence were re-demanded, and an order from the council compelled them to leave the capital, and to repair to their houses in the country. This distrust, though the leaders must have known that it was not unfounded, provoked dissatisfaction, which was considerably irritated by the successive proclamations of the government, and by military incursions attended with pillage and bloodshed, which were occasionally made into the districts in the vicinity of Dublin.*

For six weeks the insurrection had been confined to the ancient Irish. In the beginning of Rising of
the pale. December, the lord Gormanstown issued, in quality of governor of Meath, a warrant for a general meeting of the county on the hill of Crofty. It was attended by the lords Fingal, Slany, Netterville, Trimblestone, and Lowth, fourteen gentlemen, and a thousand free- Dec. 3. holders. Aftersome time, Moore, O'Reily, Byrne, and other leaders of the insurgents, appeared with a guard of musketeers. To the questions put by Gormanstown, they replied, that they had taken up arms to procure freedom of conscience, to maintain the just prerogatives of the crown, and to obtain for the people of Ireland the same privileges which were enjoyed by the people of England. Of these objects the meeting approved. A national association for the purpose of effecting them was formed, and the members, in imitation of the Scottish covenanters, bound themselves by a common oath to maintain the free and public exercise of the catholic worship, to bear true faith and allegiance to king Charles, and to defend him against all who should endeavour to subvert the royal prerogative, the power of parliament, or the just rights of the subject. The example once given, determined those who had hitherto wavered; and the whole people of Ireland, with the exception of those who inhabited the fortresses in possession of English garrisons, and of Galway, which was retained in obedience by the earl of Clanricarde, agreed to draw the sword against the common enemies of their king, of their rights, and of their religion.†

* Carte's Ormond, i. 244—247. Carte, iii. 49. 52. Clanricarde, 67. "Since the distemper began, they (the lord justices) have so disposed of affairs, as if the design were laid to put the whole kingdom in rebellion." Clanricarde to the duke of Richmond. Memoirs, 63.

† Temple, 19, 20. Carte, iii. 49. Rushworth, iv. 415. Nalson, ii. 907.

Their vindication.

In vindication of their conduct they alleged, 1. That in hatred to their religion they were subjected to numerous restraints, and excluded from offices under government, while persons of low birth and needy circumstances rose to the highest honours in the state without any merit of their own, but because they were protestants and Englishmen. 2. That the "graces" which they had purchased at an enormous expense, were still withheld from them by two successive prorogations of parliament, a proof that it was still the design of their enemies to deprive them of their property under the pretext of defective titles. 3. That the parliament of England had usurped the authority of the parliament of Ireland, and maintained that the latter country was bound by the orders and resolutions of the English houses, whenever it was expressly named. 4. That the men who took the lead in England, had avowed themselves the implacable enemies of the catholic religion, had sworn to extirpate it, had enforced the penal code against the catholics of England, and meant, in consequence of their new pretensions, to enforce it also in Ireland. On these accounts, they resolved never to lay down their arms till they had obtained an acknowledgment of the independence of the Irish on the English parliament, the repeal of all degrading disqualifications on the ground of religion, the free exercise of the catholic worship, the confirmation of the graces, and the exclusion of all but natives from civil and military offices within the kingdom. The Scots, they added in a petition to the king, whose grievances were certainly less numerous, and whose church had been less persecuted, had appealed to the sword in defence of their religion and liberties: and their conduct had been ultimately approved both by him and the parliament of England: whence they inferred that what was commendable in Scotsmen, could not, by impartial judges, be considered as blameable in Irishmen.*

By degrees the war in Ulster had assumed the Cruelties. most ferocious appearance. The natives, looking on the planters as intruders and robbers, had stripped them of their property, had chased them from their homes, and in some instances had taken their lives. On the other hand, the military, acting by the orders of the council, executed, where

* Rushworth, iv. 411. 414. Carte, iii. 47, 48. 50. 55. 99. 110. 136. Clanricarde, 70. Borlase, App. 46. "Your majesty would make no worse construction of us for what we have done, than our loyalties and affections to your majesty do deserve, and no worse than your majesty hath made of others of your subjects, who upon less or the same occasions have done the like." p. 47.

they had the power, martial law on the insurgents, laying waste the country, and slaying the fugitives without distinction or mercy.* One act of violence was constantly retaliated by another: the thirst for revenge was reciprocally excited and gratified; and men on both sides learned to indulge in murder without remorse, even with feelings of triumph. It has been usual for writers to present to their readers only one half of the picture, to paint the atrocities of the natives, and to conceal those of their opponents: but barbarities too revolting to stain these pages, are equally recorded of both: and, if among the one there were monsters, who thirsted for the blood of their victims, there were among the others those, who had long been accustomed to deem the life of a mere Irishman beneath their notice. Nor is it easy for the impartial historian, in this conflict of passions and prejudices, amidst exaggerated statements, bold recriminations, and treacherous authorities, to strike the balance, and allot to each the due share of inhumanity and bloodshed. If the Irishman must blush, when he hears of a hundred captives driven at the point of the pike into a deep and rapid river; the Englishman will read with a sigh the orders issued by the lords of the council to the army, not only to burn to the ground every house, but to put to the sword every male inhabitant capable of bearing arms in those districts, in which the rebels had been received during the progress of their march.†

The lords justices had expected prompt and abundant aid from England. To their disappointment it was only on the last day of the year that a single regiment arrived: and five months elapsed before they had received a reinforcement of 5000 men. The Scots, indeed, offered to send twice that number: but national jealousy interfered to refuse an army which might hereafter claim the island as a dependency on the Scottish crown. The king signed a proclamation declaring the insurgents traitors,‡ and published his intention of

Measures of relief.

1642.

Jan. 1.

* Carte, iii. 61, 62, 68. Cox, App. viii. I observe that in Ulster, as early as October 27th, the English garrisons began to plunder the lands of the Irish in that province. Carte, i. 185, 186.

† Carte, iii. 51, 61. "To wound, kill, slay, and destroy all the rebels, and their adherents and relievers, and burn, spoil, waste, consume, destroy, and demolish all the places, towns, and houses, where the rebels were or have been relieved or harboured, and all the corn and hay there, and to kill and destroy all the men there inhabiting able to bear arms." Ibid. See Note (A.)

‡ Carte, iii. 53. Rushworth, iv. 472, 473. The lords justices requested the king to sign several copies of this proclamation, that they might send them into different counties, and prove their authenticity by his signature.

raising 10,000 volunteers, of putting himself at their head, and of chastising in person the presumption of the rebels. But the two houses would not listen to a project calculated to furnish the prince whom they had offended, with a military force: and they preferred to vote supplies of men, of money, and of provisions; though anxious at the same time to husband their resources for the contest which they anticipated at home, they took little care to put such votes in execution. The project which they chiefly urged, and to which they obtained the reluctant consent of the king, was to raise a large fund on the security of the lands, which the insurgents were supposed to have already forfeited by their rebellion. For this purpose 2,500,000 acres were reserved by act of parliament: and the public credit was pledged to the subscribers that, for every sum of money advanced, they should receive a proportionate return of forfeited property. This plan succeeded: but if it relieved the poverty of the treasury, it served also to cement the union, and to invigorate the efforts of the insurgents. The former vote, never to suffer the public exercise of the catholic worship, had shown that their religion, this proved that their property, was also at stake. They were reduced to the alternative, that they must either conquer or abandon the worship, and forfeit the inheritance of their fathers.*

Fruitless
attempt on
Hull.

At York the king was no longer controlled by the vicinity of the two houses. Instead of daily insults from mobs, he received loyal addresses from different bodies of the inhabitants, and his court was frequented by the most distinguished families in the neighbourhood. But in one of the principal objects of his journey he completely failed. He had been informed that sir John Hotham felt little attachment to the popular cause, and that it required no more than the royal presence to ob-

April 23.

tain from him the surrender of the magazine at Hull. Confining his secret to three or four confidential servants, Charles sent his son the duke of York, and his nephew the prince elector, to Hull, on a party of pleasure. They were received and entertained with the respect due to their rank. The next morning the governor received two letters, one from sir Lewis Dives, announcing that the king

For the sake of expedition, forty copies were printed, and signed by him. Yet this was afterwards converted into a charge against him, as if, by limiting the number to forty, he wished the proclamation to be but little known; whereas, it was in reality a greater number than had been asked for with his signature.

* Rushworth, iv. 553—563.

meant to dine with him that day, the other from an unknown correspondent, hinting that it was intended to take his life for his former misconduct. Hotham ordered the drawbridge to be raised, the gates closed, and the walls manned. At eleven Charles arrived. His commands, entreaties, promises, and threats, were equally disregarded. At four he received back his son and nephew, and returning in an hour, ordered Hotham to be proclaimed a traitor by sound of trumpet. The two houses voted the proclamation a breach of the privileges of parliament.*

This inauspicious attempt was followed by a succession of petitions and complaints, answers and replications, remonstrances and protests, in which much ability was displayed by the writers on each side, though the advantage seemed to rest with the king. He maintained that the arms at Hull were his private property; he had bought them with borrowed money, previously to the Scottish invasion: that the town was his, for it had belonged to the crown, and was still held by royal charter: and that the fortress was his, because to him belonged the command of all the fortifications within the kingdom.† But it was idle to talk of legal rights at a time, when a real though disguised war raged between the parties.

The two houses had already voted a levy of 16,000 men, in opposition to the king, who intended to levy war against the parliament. The trained bands of London under general Shippon professed the strongest attachment to the cause; the arms at Hull were removed to the Tower: a forced loan at eight per cent., and paid in money or plate, replenished the treasury: large sums were employed in the purchase of stores; the earl of Warwick (Northumberland's commission had been revoked by the king) took the command of the fleet, and the earl of Essex was appointed lord-general, with a solemn promise from both lords and commons, that they would live and die with him in the national quarrel.‡

Both parties raise men.

May 20.

July 12.

On the other hand the king was not idle. Numbers of the nobility and gentry, and clergy, with the members of both

* Clarendon, i. 506—518. Husband, 138. Rushworth, iv. 565—599, and the Journals, v. 16. 28. The Hothams afterwards repented, but were seized and beheaded by order of parliament.

† Rushworth, iv. 567—588.

‡ Journals, v. 29. 34. 41. 56. 64. 66. 70. 79. 87. 91. 105. 121. 140. 152. 181. 186. 196. 206. The pay of the soldiers was 8d. per day for the infantry, 2s. 6d. for the cavalry: viz. 16d. for the keep of the horse, the rest for the man. Ibid. 196, 197. The lord-general received £10, the general of the horse £6 per day.

universities, lent him money: a vessel sent by the queen from Holland brought him a supply of arms, ammunition, and sixteen pieces of cannon; the neighbouring gentlemen of the county offered him their support; and in opposition to the

June 12. ordinance for levying the militia, he issued commissions of array according to the ancient custom, for each separate county. Thus the whole kingdom was thrown into confusion.* In every shire, almost in every township, were persons raising men at the same time for the king and the parliament: in the south the latter generally prevailed: the lower classes had long looked up to it for protection against the illegal assumptions of royalty: and the speedy vengeance with which the least symptom of disobedience was visited, induced the higher to feign sentiments which they did not feel. In many places rencontres took place between the parties: some blood was spilt, and prisoners were reciprocally made: but whenever the royalists had the worst, their property was pillaged by the mob.†

Their demands. There were, however, many, both at York and in the parliament, who still laboured to effect an accommodation. The king, they contended, had made most ample concessions: all that could be desired, was security for the performance, and why might not this be obtained by treaty as readily as by war? Charles demanded an answer to the proposals which he had made at the commencement of the year: and his adversaries, to silence the clamour of their adherents, offered nineteen articles, as the basis of a pacification. They were chiefly framed after the model of the concessions obtained by the Scots: that all matters of importance should be debated and concluded in parliament; that the members of the council, and the great officers of

June 22. state, the chief justice, and chief baron, should be always chosen with the approbation of parliament, and should retain their offices during their good behaviour; that the governors and tutors of the king's children should also be chosen by parliament; that no treaty of marriage, respecting any member of the royal family, should be negotiated without its consent; that the king should dismiss all his guards,

* At first it was objected to the commissions issued by the king at York, that they were of no force, because they wanted the great seal. To remove this difficulty, Lyttleton, the lord keeper, was induced by Hyde to carry off the seal, and repair to York in May. The two houses were irritated: but in their own defence they ordered a new great seal to be made, and intrusted it to commissioners of their own. Clarendon's life, 61. 64. Hist. i. 568—574. Rushworth, iv. 718. Lords' Journals, 93.

† Ibid. 74. 111. 115. 147. 149. 182. and Mecurius Rusticus.

should recal his proclamations, and should suffer the ordinance for the militia to remain in force, till the question were settled by bill; that a reform should be made in the church and the liturgy; that no new peer should sit in parliament unless he were admitted by the consent of both houses; that the popish peers should be deprived of their votes until they had conformed; and that the children of catholics should be brought up in the protestant faith.

Charles replied, that he was willing to concur in the forced education of catholic children, to compel the catholic peers to give their proxies to protestants, and to abolish all innovations in religion; but he could not consent to the rest of the demands. He deemed them unnecessary: "for the power legally placed in the two houses was more than sufficient to prevent and restrain the power of tyranny." He would therefore say with the barons of old, "*nolumus leges Angliæ mutari.*" Otherwise he might still have his hands kissed, still be addressed with the style of majesty, still wear a crown and carry a sceptre, but he would be deprived of all real power, a dependent on the bounty, and a slave to the caprice, of a party among his subjects.*

As long as the two parties adhered to these principles, reconciliation was impracticable: and it became an object of the first importance to each, to persuade the nation that the impending civil war was to be attributed to the unreasonable pretensions of the other. The houses voted a humble petition to the king, to recal the commissions of array, to disband his forces, consent to the punishment of delinquents, and to return to one of his usual residences in the vicinity of the capital. Charles, in his reply, appealed to the Almighty in proof of his readiness to disarm his adherents, to meet the two houses, and to settle every difference in a parliamentary way; but then he required as previous conditions that they should repeal the ordinance of the militia, replace the navy under the command of the admiral whom he had appointed, and meet him in some place, where both he and they might be secure from insult and intimidation.† But the quarrel

July 12.

July 26.

* Ibid, 90. 97. Rushworth, iv. 722—735. Clarendon, i. 634—647. In this answer the friends of the church remarked and lamented an important departure from the language of ancient times. The parliament was described as consisting of three estates, the king, lords and commons. Formerly the three estates were the clergy, the lords and commons, with the king for their head. The paper had been composed by Falkland and Colepepper, who cared little for the temporal claims of the church. See Clarendon's Life, p. 67.

† Lords' Journals, v. 206. 235. Clarendon's, i. 684—693.

was now drawing to a crisis; and the houses answered, that to accede to such conditions would be to betray the trust reposed in them for the safety of the king and kingdom.

The commencement of hostilities was occasioned by the following occurrence. Colonel Goring, the governor of Portsmouth, an officer of distinguished merit, had been raised to the rank of lieutenant-general, and appointed to organize and discipline the new parliamentary levies. He hesitated to accept the commission, and pleaded in excuse of his delay the necessity of superintending the construction of some new fortifications: but a peremptory order to join the army extorted from him an answer, that he could not in honour quit his command without the royal permission. Aware of the consequences, he administered an oath of allegiance to the soldiers and inhabitants, and in a few days was besieged by the parliamentary forces. The king immediately proclaimed Essex and the officers under him traitors, unless they should return to their duty within the space of six days, and the houses declared the proclamation a libellous and scandalous paper, and retorted the crime of treason on all those by whom it had been advised, and by whom it should be afterwards abetted or countenanced.*

In these circumstances Charles resolved on hostile measures. Having sounded the disposition of the Yorkshire gentlemen, he summoned all his loving subjects north of the Trent, and within twenty miles to the south of that river, to meet him in arms at Nottingham on the twenty-second of August. On that day the royal standard, on which was a hand pointing to a crown, with this motto, "Give to Cæsar his due," was carried by a guard of six hundred foot from the castle into a large field: the king followed with a retinue of two thousand men; and the inhabitants crowded around to hear the proclamation read by the herald at arms. This ceremony, called the raising of the standard, was deemed equivalent to a declaration of hostilities.†

Thus step by step was the country led into that most direful of national calamities, a civil war. The Stuarts, seated on the throne of the Tudors, doubted not that they were rightfully possessed of all those

* Clarendon, i. 711—715. Rushworth, iv. 761. 773. Lords' Journals, 76. 257. 261. 283. 288. 503. Commons' Journals, May 20. 22.

† Lords' Journals, 297. Rushworth, 783.

arbitrary powers claimed and exercised by their predecessors. But within the last fifty years the minds of men had undergone a wonderful revolution. It had become fashionable to study the principles of government, and to oppose the rights of the subject to the pretensions of the sovereign. We have seen that Elizabeth, with all the awe inspired by the firmness of her character, had been unable, towards the close of her reign, to check the expression of liberal sentiments. Under the gentle sway of James they were diffused with rapidity; and the necessities of Charles, arising from his wars and his debts, emancipated them altogether from restraint. Good sense should have taught him to go along with the general feelings of his people: but princes in all ages have been slow to learn the important lesson, that the influence of authority must ultimately bend to the influence of opinion. The monarch clung with pertinacity to every branch of the prerogative; and if he ever relinquished his hold, it was after so long a struggle, and with so bad a grace that he excited in his subjects, suspicions of his sincerity: suspicions confirmed by that habit of duplicity which had ever marked his conduct since his first entrance into public life. Their distrust formed an antidote to their gratitude; they gave him no credit for the most valuable concessions; and the wish to secure what they had gained, induced them to make new and more galling demands.*

The reader, however, will have remarked that the controversy between the king and his opponents no longer regarded the real liberties of the nation, which had already been established by successive acts of the legislature, but was confined to certain concessions, which *they* demanded as essential to the preservation of those liberties, and which *he* refused as subversive of the royal authority. That some securities were requisite, no one denied: but while many contended that the control of the public money, the power of impeachment, and the right of meeting every third year, all which were now vested in the parliament, formed a sufficient barrier against encroachments on the part of the sovereign, others insisted

* This general feeling is strongly expressed by a female and contemporary writer. "He made no conscience of granting anything to the people, which he resolved should not oblige him longer than it should serve his turn; for he was a prince that had nothing of faith or truth, justice or generosity, in him. He was the most obstinate person in his self-will that ever was; and so bent upon being an absolute uncontrollable sovereign, that he was resolved either to be such a king or none." Though the portrait is too highly coloured, the outline may be deemed correct. Lucy Hutchinson's Memoirs of her Husband, colonel Hutchinson, p. 66.

that the command of the army, and the appointment of the officers of state, the counsellors, and the judges, ought also to be transferred to the two houses. Diversity of opinion produced a schism among the patriots: the more moderate silently withdrew to the royal standard; the more violent or more distrustful resolved to defend their opinions with the sword. It has often been asked, who were the authors of the civil war? The answer seems to depend on the solution of this other question; were additional securities necessary for the preservation of the national rights? If they were, the blame will belong to Charles; if not, it must rest with his adversaries.

CHAP. III.

CHARLES I.

BATTLE OF EDGE HILL—TREATY AT OXFORD—SOLEMN VOW AND COVENANT—BATTLE OF NEWBURY—SOLEMN LEAGUE AND COVENANT BETWEEN THE ENGLISH AND SCOTTISH PARLIAMENTS—CESSATION OF WAR IN IRELAND—ROYALIST PARLIAMENT AT OXFORD—PROPOSITIONS OF PEACE—BATTLE OF MARSTON MOOR—THE ARMY OF ESSEX CAPITULATES IN THE WEST—SELF-DENYING ORDINANCE—SYNOD OF DIVINES—DIRECTORY FOR PUBLIC WORSHIP—TRIAL OF ARCHBISHOP LAUD—BILL OF ATTAINDER—HIS EXECUTION.

It had been suggested to the king that at the head of an army, he might negotiate with greater dignity and effect. From Nottingham he despatched to London the earl of Southampton, sir John Colepepper, and sir William Uvedale, the bearers of a proposal, that commissioners should be appointed on both sides, with full powers to treat of an accommodation. The two houses, assuming a tone of conscious superiority, replied that they could receive no message from a prince who had raised his standard against his parliament, and had pronounced their general a traitor. Charles (and his condescension may be taken as a proof of his wish to avoid hostilities,) offered to withdraw his proclamation, provided they on their part would rescind their votes against his adherents. They refused: it was their right and their duty to denounce, and bring to justice, the enemies of the nation. He conjured them to think of the blood that would be shed, and to remember that it would lie at their door; they retorted the charge: he was the aggressor, and his would be the guilt. With this answer vanished every prospect of peace: both parties appealed to the sword; and

Treaty proposed and refused.

Aug. 25.

Aug. 27.

Sept. 4.

Sept. 6.

Sept. 11.

within a few weeks the flames of civil war were lighted up in every part of the kingdom.*

Royalists. Three-fourths of the nobility and superior gentry, led by feelings of honour and gratitude, or by their attachment to the church, or by a well grounded suspicion of the designs of the leading patriots, had ranged themselves under the royal banner. Charles felt assured of victory, when he contemplated the birth, and wealth, and influence of those by whom he was surrounded: but he might have discovered much to dissipate the illusion, had he considered their habits, or been acquainted with their real, but unavowed sentiments. They were for the most part men of pleasure, fitter to grace a court than to endure the rigour of military discipline, devoid of mental energy, and likely by their indolence and debauchery, to offer advantages to a prompt and vigilant enemy. Ambition would induce them to aspire to office, and commands, and honours, to form cabals against their competitors, and to distract the attention of the monarch by their importunity, or their complaints. They contained among them many who secretly disapproved of the war, conceiving that it was undertaken for the sake of episcopacy, an institution in the fate of which they felt no interest, and others who had already in affection enrolled themselves among the followers of the parliament, though shame deterred them for a time from abandoning the royal colours.†

There was another class of men on whose services the king might rely with confidence, the catholics, who, alarmed by the fierce intolerance and the severe menaces of the parliament, saw that their own safety depended on the ascendancy of the sovereign. But Charles hesitated to avail himself of this resource. His adversaries had allured the zealots to their party, by representing the king as the dupe of a popish faction, which laboured to subvert the protestant, and to establish on its ruins the popish worship. It was in vain that he called on them to name the members of this invisible faction, that he publicly asserted his attachment to the reformed faith, and that, to prove his orthodoxy, he ordered two priests to be put to death at Tyburn, before his departure from the capital, and two others at York, soon after his arrival in that

* Journals, v. 327, 328. 338. 342. 385. Clarendon, ii. 8. 16.

† Thus sir Edward Varney, the standard-bearer, told Hyde, that he followed the king because honour obliged him; but the object of the war was against his conscience, for he had no reverence for the bishops, whose quarrel it was. Clarendon's Life, 69. Lord Spencer writes to his lady, "if there could be an expedient found to salve the punctilio of honour, I would not continue here an hour." Sydney papers, ii. 667.

city.* The houses still persisted in the charge: and in all their votes and remonstrances attributed the measures adopted by the king to the advice and influence of the papists, and their adherents.† Aware of the impression which such reports made on the minds of the people, he at first refused to intrust with a commission, or even to admit into the ranks, any person who had not taken the oaths of allegiance and supremacy; but necessity soon taught him to accept of the services of all his subjects without distinction of religion, and he not only granted permission to the catholics to carry arms in their own defence, but incorporated them among his own forces.‡

Aug. 10.

While the higher classes repaired with their dependents to the support of the king, the call of the parliament was cheerfully obeyed by the yeomanry in the country, and by the merchants and tradesmen in the towns. All these had felt the oppression of monopolies and ship-money: to the patriots they were indebted for their freedom from such grievances; and, as to them they looked up with gratitude for past benefits, so they trusted to their wisdom for the present defence of their liberties. Nor was this the only motive: to political must be added religious enthusiasm. The opponents of episcopacy, under the self-given denomination of the godly, sought to distinguish themselves by the real or affected severity of their morals: they looked down with contempt on all others, as men of dissolute or irreligious habits; and many among them, in the belief that the reformed religion was in danger, deemed it a conscien-

Parliamentarians.

* Thomas Reynolds and Bartholomew Roe, on Jan. 21.; John Lockwood and Edmund Caterick, on April 13. Challoner, ii. 117. 200.

† In proof of the existence of such a faction, an appeal has been made to a letter from lord Spencer to his wife. (Sydney papers, ii. 667.) Whether the cipher 243 is correctly rendered, "papists," I know not. It is not unlikely that lord Spencer may have been in the habit of applying the term to the party supposed to possess the royal confidence, of which party he was the professed adversary. But when it became at last necessary to point out the heads of this popish faction, it appeared that they were protestants—the earls of Bristol, Cumberland, Newcastle, Carnarvon and Rivers, secretary Nicholas, Endymion Porter, Edward Hyde, the duke of Richmond, and viscounts Newark and Falkland. Rushworth, v. 16. May, 163. Also Baillie, i. 416. 430. ii. 75.

‡ Rushworth, iv. 772. v. 49, 50. 80. Clarendon, ii. 41. On September 23, 1642, Charles wrote from Shrewsbury, to the earl of Newcastle,—“This rebellion is grown to that height, that I must not looke to what opinion men ar, who at this tyme ar willing and able to serve me. Therefore I doe not only permit, but command you, to make use of all my loving subjects' services, without examining ther contienses (more then there loyalty to me) as you shall fynde most to conduce to the uphoulding of my just regall power.” Ellis, iii. 291.

tious duty to risk their lives and fortunes in the quarrel.* Thus were brought into collision three of the most powerful motives which can agitate the human breast, loyalty, and liberty, and religion: they elevated the minds of the combatants above their ordinary level, and in many instances produced a spirit of heroism, and self-devotedness, and endurance, which demands our admiration and sympathy. Both parties soon distinguished their adversaries by particular appellations. The royalists were denominated cavaliers; a word which, though applied to them at first in allusion to their quality, soon lost its original acceptation, and was taken to be synonymous with papist, atheist, and voluptuary: and they on their part gave to their enemies the name of round-heads, because they cropped their hair short, dividing "it into so many little peaks as was something ridiculous to behold."†

Each army in its composition resembled the State of the other. Commissions were given, not to persons two armies. the most fit to command, but to those who were most willing and able to raise men: and the men themselves, who were generally ill paid, and who considered their services as voluntary, often defeated the best concerted plans, by their refusal to march from their homes, or their repugnance to obey some particular officer, or their disapproval of the projected expedition. To enforce discipline was dangerous: and both the king and the parliament found themselves compelled to entreat or connive, where they ought to have employed authority and punishment. The command of the royal army was intrusted to the earl of Lindsay, of the parliamentary forces to the earl of Essex, each of whom owed the distinction to the experience which he was supposed to have acquired in foreign service. But such experience afforded little benefit. The passions of the combatants despised the cool calculations of military prudence: a new system of warfare was necessarily generated; and men of talents and ambition quickly acquired that knowledge which was best adapted to the quality of the troops, and to the nature of the contest.

* Whitelock, 76.

† Life of colonel Hutchinson, p. 100. "The godly of those days, when the colonel embraced their party, would not allow him to be religious, because his hair was not in their cut, nor his words in their phrase." *Ibid.* The names were first given a little before the king left Whitehall. Clarendon, i. 339.

Charles proceeded from Nottingham to the borders of Wales, collecting reinforcements, and receiving voluntary contributions on his march. Half way between Stafford and Wellington he halted the army, and placing himself in the centre, solemnly declared in the presence of Almighty God, that he had no other design, that he felt no other wish, than to maintain the protestant faith, to govern according to law, and to observe all the statutes enacted in parliament. Should he fail in any one of these particulars, he renounced all claim to assistance from man, or protection from God: but as long as he remained faithful to his promise, he hoped for cheerful aid from his subjects, and was confident of obtaining the blessing of heaven. This solemn and affecting protestation being circulated through the kingdom, gave a new stimulus to the exertions of his friends; but it was soon opposed by a most extraordinary declaration on the part of the parliament: that it was the real intention of the king to satisfy the demands of the papists by altering the national religion, and the rapacity of the cavaliers by giving up to them the plunder of the metropolis; and that to prevent the accomplishment of so wicked a design, the two houses had resolved to enter into a solemn covenant with God, to defend his truth with the hazard of their lives, to associate with the well-affected in London and the rest of the kingdom, and to request the aid of their Scottish brethren, whose liberties and religion were equally at stake.*

The king's protestations.

Sep. 19.

Oct. 22.

In the mean time Waller had reduced Portsmouth, while Essex concentrated his force, amounting to 15,000 men, in the vicinity of Northampton. He received orders from the houses to rescue, by force if it were necessary, the persons of the king, the prince, and the duke of York, from the hands of those desperate men by whom they were surrounded, to offer a free pardon to all who, within ten days, should return to their duty, and to forward to the king a petition, that he would separate himself from his evil counsellors, and rely once more on the loyalty of his parliament. From Northampton Essex advanced to the city of Worcester.†

Sept. 9.

Sept. 16.

Sept. 23.

When Charles left Nottingham he could muster no more than 6000 men: while he remained at Shrewsbury, his army swelled to almost thrice

Battle of Edge Hill.

* Clarendon, ii. 16. Rushworth, v. 20, 21. Journals, v. 376. 418.

† Rushworth, v. 16—20.

that number. Having completed his preparations, he marched directly towards the capital. Essex, whether it were through want of intelligence, or through the inexperience of his officers, did not interpose: but he followed with expedition, and entered the village of Keinton on the

Oct. 22. same evening, on which the royalists halted at Edgecoat, only a small distance in advance. Charles summoned a council of war: and it was resolved to

Oct. 23. turn on the pursuers in the morning, and to engage them before their whole army could join; but so much time was lost in preparation, that it was two hours after mid-day before the action commenced. Rupert, one of the king's nephews, who commanded the cavalry on the right, bore down all before him: but instead of reserving himself for the support of his friends, he continued the pursuit, and rewarded his men with the plunder of Keinton. Wilmot, on the left, fought with similar success, and committed a similar error. In the centre the battle was more fierce and obstinate: regiment after regiment of the royal infantry was broken and dispersed; and only two small corps maintained the fight till the cavalry returned from the pursuit, and darkness separated the combatants. If we may believe the report of those who buried the dead, near 6000 men were slain: but the conflicting statements of the parties render it impossible to estimate their respective losses. The royal standard was taken, but recovered; and the earl of Lindsay received a wound, of which he died the same evening. Offended at the pride of prince Rupert, who disdained to acknowledge any other superior than the king, he had resigned the command to Ruthen, a Swedish general, and received a shot in the thigh, while he gallantly fought as colonel at the head of his own regiment.*

Both sides claimed the honours, the king reaped the advantages, of victory. Essex retreated to Coventry: Charles took Banbury with its garrison of 1000 men, marched without molestation to Oxford, and despatched parties of cavalry into the neighbourhood of the metropolis. The two houses felt considerable alarm. They wrote for assistance to Scotland; they ordered Essex to hasten to their protection; Nov. 2. they formed a new army under the earl of Warwick; Nov. 3. they voted a petition to the king; they even submitted to his refusal of receiving, as one of their

* Clarendon, ii. 45. May, 168. Rushworth, v. 33—39, and lord Wharton's narrative in the Journals, v. 423.

deputies, sir John Evelyn, who had previously been pronounced a traitor.* Whether their object was to effect an accommodation, or merely to arrest the advance of the royal army, is uncertain: but while the deputies presented the petition to the king at Colnbrook, Essex took possession of Brentford with the three regiments of Brooke, Hollis, and Hampden. The next morning Ruthen advanced against the town. Many of the parliamentary soldiers threw down their arms, and perished in the river; 500 men, with fifteen pieces of cannon, were taken. The king discharged the prisoners, leaving it to their option either to enter among his followers, or to promise on oath never more to bear arms against him.†

Nov. 11.

Nov. 12.

This action put an end to the projected treaty. The parliament reproached the king, that while he professed the strongest repugnance to shed the blood of Englishmen, he had surprised and murdered their adherents at Brentford; unsuspecting as they were, and relying on the security of a pretended negotiation. Charles indignantly retorted the charge on his accusers. They were the real deceivers, who sought to keep him inactive in his position till they had surrounded him with the multitude of their adherents. In effect his situation daily became more critical. His opponents had summoned forces from every quarter to London, and Essex found himself at the head of 24,000 men. The two armies faced each other a whole day on Turnham Green: but neither ventured to charge, and the king, understanding that the corps which defended the bridge at Kingston had been withdrawn, retreated first to Reading, and then to Oxford. Probably he found himself too weak to cope with the superior number of his adversaries: publicly he alleged his unwillingness to oppose by a battle any further obstacle to a renewal of the treaty.‡

King retires to Oxford.

Nov. 14.

The whole kingdom at this period exhibited a most melancholy spectacle. No man was suffered to remain neuter. Each county, town, and hamlet, was divided into factions, seeking the ruin of each

State of the kingdom.

* Journals, 431, 2, 3, 4, 5, 6. On Nov. 7th, the houses voted the refusal to receive Evelyn, equivalent to a refusal to treat (437); but on the ninth they rescinded this vote, and left it to Evelyn to act or not, as he deemed proper. *Ibid.* 439.

† Each party published contradictory accounts of this action. I have adhered to the documents entered in the Journals.

‡ May, 179. Whitelock, 65, 66. Clarendon, ii. 76.

other. All stood upon their guard, while the most active of either party eagerly sought the opportunity of despoiling the lands, and surprising the persons of their adversaries. The two great armies, in defiance of the prohibitions of their leaders, plundered wherever they came, and their example was faithfully copied by the smaller bodies of armed men in other districts. The intercourse between distant parts of the country was interrupted; the operations of commerce were suspended; and every person possessed of property was compelled to contribute after a certain rate to the support of that cause, which obtained the superiority in his neighbourhood. In Oxford and its vicinity, in the four northern counties, in Wales, Shropshire, and Worcestershire, the royalists triumphed without opposition: in the metropolis, and the adjoining counties, on the southern and eastern coast, the superiority of the parliament was equally decisive. But in many parts the adherents of both were intermixed in such different proportions, and their power and exertions were so variously affected by the occurrences of each succeeding day, that it became difficult to decide which of the two parties held the preponderance. But there were four counties, those of York, Chester, Devon, and Cornwall, in which the leaders had

Dec. 23. already learned to abhor the evils of civil dissension. They met on both sides, and entered into engagements to suspend their political animosities, to aid each other in putting down the disturbers of the public peace, and to oppose the introduction of any armed force, without the joint consent both of the king and the parliament. Had the other counties followed the example, the war would have been ended almost as soon as it began. But this was a consummation which the patriots deprecated. They

1643. pronounced such engagements derogatory from
Jan. 7. the authority of parliament: they absolved their partisans from the obligations into which they had entered; and they commanded them once more to unsheath the sword in the cause of their God and their country.*

Treaty at But it soon became evident that this pacific
Oxford. feeling was not confined to the more distant counties. It spread rapidly through the whole kingdom: it manifested itself without disguise even in the metropolis. Men were anxious to free themselves from the forced contribution of one-twentieth part of their estates, for the support of the parliamentary army,† and the citizens could not

* Journals, 535. Rushworth, v. 100. Clarendon, ii. 136. 139.

† Journals, 463. 491. 594. Commons' Journals, Dec. 13. It was imposed Nov. 29, 1642.

forget the alarm which had been created by the late approach of the royal forces. Petitions for peace, though they were ungraciously received, continued to load the tables of both houses: and, the king himself having proposed a cessation of hostilities, prudence taught the most sanguine advocates for war to accede to the wishes of the people. A negotiation was opened at Oxford. The demands of the parliament amounted to fourteen articles; those of Charles were confined to six. But two only, the first in each class, came into discussion. No argument could induce the houses to consent, that the king should name to the government of the forts and castles without their previous approbation of the persons to be appointed: and he demurred to their proposal, that both armies should be disbanded, until he knew on what conditions he was to return to his capital. They had limited the duration of the conference to twenty days. He proposed a prolongation of the term. They refused; and he offered as his ultimatum, that whenever he should be reinstated in the possession of his revenues, magazines, ships, and forts, according to law; when all the members of parliament, with the exception of the bishops, should be restored to their seats, as they held them on the first of January, 1641, and when the two houses should be secure from the influence of tumultuary assemblies, which could only be effected by an adjournment to some place twenty miles distant from London, he would consent to the immediate disbanding of both armies, and would meet his parliament in person. The commons instantly passed a vote to recall the commissioners from Oxford: the lords, though at first they dissented, were compelled to signify their concurrence; and an end was put to the treaty, and to the hopes which it had inspired.*

Feb. 6.

April 12.

April 14.

During this negotiation the houses left nothing to the discretion of their commissioners, the earl of Northumberland, Pierrepont, Ermyn, Holland, and Whitelock. They were permitted to propose and argue; they had no power to concede.† Yet, while they acted in public according to the tenor of their

Intrigues
during the
treaty.

* See the whole proceedings relative to the treaty in the king's works, 325—397; the Journals of the Lords, v. 659—716, and Rushworth, v. 164—261.

† This was a most dilatory and inconvenient arrangement. Every proposal, or demand, or suggestion from the king was sent to the parliament, and its expediency debated. The houses generally disagreed. Conferences were therefore held, and amendments proposed; new discussions followed, and a week was perhaps consumed before a point of small consequence could be settled.

instructions, they privately gave the king to understand, that he might probably purchase the preservation of the church by surrendering the command of the militia,—a concession which his opponents deemed essential to their own security. At one period they indulged a strong hope of success. At parting, Charles had promised to give them satisfaction on the following day; but during the night he was dissuaded from his purpose; and his answer in the morning proved little short of an absolute denial. Northumberland also made a secret offer of his influence to mollify the obstinacy of the patriots; but Charles, who called that nobleman the most ungrateful of men, received the proposal with displeasure, and to the importunity of his advisers coldly replied, that the service must come first, and the reward might follow after. Whether the parliament began to suspect the fidelity of the commissioners, and on that account recalled them, is unknown. Hyde maintains that the king protracted the negotiation to give time for the arrival of the queen, without whom he would come to no determination; but of this no vestige appears in the private correspondence between Charles and his consort; and a sufficient reason for the failure of the treaty may be found in the high pretensions of each party, neither of whom had been sufficiently humbled to purchase peace with the sacrifice of honour or safety.*

It was owing to the indefatigable exertions of Henrietta that the king had been enabled to meet his opponents in the field. During her residence in Holland, she had repeatedly sent him supplies of arms and ammunition, and, what he equally wanted, of veteran officers to train and discipline his forces. In February, leaving the Hague, and trusting to her good fortune, she had eluded the vigilance of Batten, the parliamentary admiral, and landed in safety in the port of Burlington on the coast of Yorkshire. Batten, enraged at his disappointment, anchored on the second night in the road, and discharged above 100 shot at the houses on the quay, in one of

* See Clarendon's Life, 76—80. Whitelock, 68, and the letters in the king's works, 138—140. Before Henrietta left England, he had promised her to give away no office without her consent, and not to make peace but through her mediation. Charles, however, maintained, that the first regarded not offices of state, but offices of the royal household; and the second seems to have been misunderstood. As far as I can judge, it only meant that whenever he made peace, he would put her forward as mediator, to the end that, since she had been calumniated as being the cause of the rupture between him and his people, she might also have in the eyes of the public the merit of effecting the reconciliation. Clarendon's Life, *ibid.*

which the queen was lodged. Alarmed at the danger, she quitted her bed, and sought shelter till day-light behind the nearest hill. No action of the war was more bitterly condemned by the gallantry of the cavaliers than this unmanly attack on a defenceless female, the wife of the sovereign. The earl of Newcastle hastened to Burlington, and escorted her with his army to York. To have pursued her journey to Oxford, would have been to throw herself into the arms of her opponents. She remained four months in Yorkshire, winning the hearts of the inhabitants by her affability, and quickening their loyalty by her words and example.*

During the late treaty every effort had been made to recruit the parliamentary army: at its expiration, Hampden, who commanded a regiment, proposed to besiege the king within the city of Oxford. But the ardour of the patriots was constantly checked by the caution of the officers, who formed the council of war. Essex invested Reading: at the expiration of ten days it capitulated; and Hampden renewed his proposal. But the hardships of the siege had already broken the health of the soldiers: and mortality and desertion daily thinned their numbers. Essex found himself compelled to remain six weeks in his new quarters at Reading.

Fall of
Reading.

April 27.

If the fall of that town impaired the reputation of the royalists, it added to their strength by the arrival of the 4000 men, who had formed the garrison. But the want of ammunition condemned the king to the same inactivity to which sickness had reduced his adversaries. Henrietta endeavoured to supply this deficiency. In May a plentiful convoy arrived from York: and Charles, before he put his forces in motion, made another offer of accommodation. By the lords it was received with respect; the commons imprisoned the messenger, and Pym, in their name, impeached the queen of high treason, against the parliament and kingdom. The charge was met by the royalists with sneers of derision. The lords declined the ungracious task of sitting in judgment on the wife of their sovereign; and the commons themselves, but it was not till after the lapse of eight months, yielded to their reluctance, and silently dropped the prosecution.†

May 20.

May 23.

* Mercurius Belgic. Feb. 24. Michrochronicon, Feb. 24, 1642-3. Clarendon, ii. 143.

† Journals, 104. 111. 118. 121. 362. Commons' Journals, May 23, June 21, July 3. 6. 1644. Jan. 10.

In the lower house, no man had more distinguished himself of late, by the boldness of his language, and his fearless advocacy of peace, than Edmund Waller, the poet. In conversation with his intimate friends, he had frequently suggested the formation of a third party of moderate men, who should "stand in the gap, and unite the king and the parliament." In this work they calculated on the co-operation of all the lords excepting three, of a considerable number of the lower house, and of the most able among the advisers of the king at Oxford; and that they might ascertain the real opinion of the city, they agreed to portion it into districts, to make lists of the inhabitants, and to divide them into three classes, of moderate men, of royalists, and of parliamentarians. The design had been communicated to lord Falkland, the king's secretary; but it remained in this

imperfect state, when it was revealed to Pym by the perfidy or patriotism of a servant, who had overheard the discourse of his master. Waller, May 31. Tompkins his brother-in-law, and half a dozen others, were immediately secured; and an annunciation was made to the two houses of "the discovery of a horrid plot to seize the city, force the parliament, and join with the royal army."*

The leaders of the patriots eagerly improved this opportunity to quell that spirit of pacification, which had recently insinuated itself among their partisans. While the public mind was agitated by rumours respecting the bloody designs of the conspirators, while every moderate man feared that the expression of his sentiments might be taken as an evidence of his participation in the plot, they proposed a new oath and covenant to the house of commons. No one dared to object:

and the members unanimously swore, "never June 6. to consent to the laying down of arms, so long as the papists, in open war against the parliament, should be protected from the justice thereof, but according to their power and vocation to assist the forces raised by the parliament against the forces raised by the king." The lords, the citizens, and the army followed their example;

June 27. and an ordinance was published that every man in his parish church should make the same vow and covenant.† As for the prisoners, instead of being

* Journals, June 6.

† Ibid. May 31, June 6. 14. 21. 27. 29. Rushworth, v. 322—333. Whitelock, 67. 70. 105. The preamble began thus:—"Whereas, there hath been and now is in this kingdom a popish and traitorous plot for the sub-

sent before a court of law, they were tried by a court-martial. Six were condemned to die: two suffered. Waller saved his life by the most abject submission.

June 30.

July 5.

"He seemed much smitten in conscience: he desired the help of godly ministers," and by his entreaties induced the commons to commute his punishment into a fine of £10,000, and an order to travel on the continent. To the question why the principal should be spared, when his assistants suffered, it was answered by some that a promise of life had been made to induce him to confess, by others that too much blood had already been shed in expiation of an imaginary plot.*

In the meanwhile Essex, after several messages from the parliament, had removed from Reading, and fixed his head-quarters at Tame. One night prince Rupert making a long circuit, surprised Wycomb in the rear of the army, and killed or captured the greater part of two regiments that lay in the town. In his retreat to Oxford, he was compelled to turn on his pursuers at Chalgrove; they charged with more courage than prudence, and were repulsed with considerable loss. It was in this action that the celebrated Hampden received the wound of which he died. The reputation which he had earned by his resistance to the payment of the ship-money had deservedly placed him at the head of the popular leaders; and his insinuating manner, the modesty of his pretensions, and the belief of his integrity, gave to his opinions an irre-

Death of
Hampden.

June 18.

version of the true protestant religion, and liberty of the subject, in pursuance whereof a popish army hath been raised and is now on foot in divers parts of the kingdom," &c. Journals, June 6. Lords' Journals, vi. 87. I am loath to charge the framers and supporters of this preamble with publishing a deliberate falsehood, for the purpose of exciting odium against the king; but I think it impossible to view their conduct in any other light. The popish plot and popish army were fictions of their own to madden the passions of their adherents. Charles, to refute the calumny, as he was about to receive the communion from the hands of archbishop Usher, suddenly rose, and addressed him thus, in the hearing of the whole congregation:—"My lord, I have to the utmost of my soul, prepared to become a worthy receiver; and may I so receive comfort by the blessed sacrament, as I do intend the establishment of the true reformed protestant religion, as it stood in its beauty in the happy days of queen Elizabeth, without any connivance at popery. I bless God that in the midst of these publick distractions, I have still liberty to communicate; and may this sacrament be my damnation, if my heart do not joyn with my lips in this protestation." Rush. v. 346.

* After a minute investigation, I cannot persuade myself that Waller and his friends proceeded further than I have mentioned. What they might have done, had they not been interrupted, is matter of mere conjecture. The commission of array, which their enemies sought to couple with their design, had plainly no relation to it.

sistible weight in the lower house. He was one of the members denominated root-and-branch men, who sought not only to lop off the branches, but to tear up the root; and who, while they professed to seek the extirpation of the hierarchy, were believed to have in view the subversion of the throne. The royalists exulted at his death as equal to a victory: the patriots lamented it as a loss which could not be repaired. Both were deceived. Revolutions are the seed-plots of talents and energy. One great leader had been withdrawn: there was no dearth of others to supply his place.*

Actions of
sir William
Waller.

To the root-and-branch men the rank, no less than the inactivity of Essex, afforded a legitimate ground of suspicion. In proportion as he sank in their esteem, they were careful to extol the merits, and flatter the ambition of sir William Waller. Waller had formerly enjoyed a lucrative office under the crown, but he had been fined in the star chamber, and his wife was a "godly woman;" her zeal and his own resentment made him a patriot: he raised a troop of horse for the service, and was quickly advanced to a command. The rapidity of his movements, his daring spirit, and his contempt of military rules, were advantageously contrasted with the slow and cautious experience of Essex: and his success at Portsmouth, Winchester, Chichester, Malmsbury and Hereford, all of which he reduced in a short time, entitled him, in the estimation of his admirers, to the quaint appellation of William the Conqueror. While the forces under Essex were suffered to languish in a state of destitution,† an army of 8,000 men well clothed and appointed, was prepared for Waller. But the event proved that his abilities had been overrated. In the

July 5. course of a week he fought two battles, one near Bath with prince Maurice, the other with lord

July 13. Wilmot, near Devizes: the first was obstinate but indecisive, the second bloody and disastrous. Waller hastened from the field to the capital, attributing the loss of his army, not to his own errors, but to the jealousy of Essex. His patrons did not abandon their favourite. Emulating the example of the Romans, they met the unfortunate general in

July 27. triumphal procession, and the speaker of the commons officially returned him thanks for his services to his country.‡

* Rushworth, v. 265. 274. Whitelock, 69, 70. Clarendon, ii. 237. 261.

† His army was reduced to "4000 or 5000 men, and these much malcontented that their general and they should be misprised, and Waller immediately prized." Baillie, i. 391. He had 3000 marching men, and 300 sick. Journals, vi. 160.

‡ Rushworth, v. 284. 285. Clarendon, ii. 278. 290. Journals, July 27.

This tone of defiance did not impose on the advocates of peace. Waller's force was annihilated; the grand army, lately removed to Kingston, had been so reduced by want and neglect, that Essex refused to give it the name of an army: the queen had marched without opposition from Yorkshire to Oxford, bringing to her husband a powerful reinforcement of men, artillery, and stores; and prince Rupert, in the course of three days had won the city and castle of Bristol through the cowardice or incapacity of Nathanael Fiennes, the governor.* The cause of the parliament seemed to totter on the brink of ruin: and the lords, profiting of this moment of alarm, sent to the commons six resolutions to form the basis of a new treaty. They were favourably received: and after a debate, which lasted till ten at night, it was resolved by a majority of twenty-nine to take them into consideration.†

The lords
propose a
peace.

July 13.

July 26.

But the pacific party had to contend with men of the most determined energy, whom no dangers could appal, no difficulties subdue. The next day was Sunday: and it was spent by them in arranging a new plan of opposition. The preachers from their pulpits described peace as the infallible ruin of the city: the common council voted a petition urging, in the most forcible terms, the continuation of the war; and placards were affixed in the streets, calling on the inhabitants to rise as one man, and prevent the triumph of the malignants. The next morning alderman Atkins carried the petition to Westminster, accompanied by thousands calling out for war, and uttering threats of vengeance against the traitors. Their cries resounded through both the houses; and the lords resolved to abstain from all public business till tranquillity was restored, but the commoners thanked the petitioners for their attachment to the cause of the coun-

Are oppos-
ed by the
commons.

Aug. 6.

Aug. 7.

May, 201—205. His first successes were attributed to colonel Hurry, a Scotchman, though Waller held the nominal command. Baillie, i. 351. But Hurry, in discontent, passed over to the king, and was the planner of the expedition which led to the death of Hampden. Clarendon, ii. 261. Baillie, i. 371.

* Fiennes, to clear himself from the imputation of cowardice, demanded a court-martial, and Prynne and Walker, who had accused him in their publications, became the prosecutors. He was found guilty, and condemned to lose his head, but obtained a pardon from Essex, the commander-in-chief. Howell, State Trials, iv. 186—293.

† Clarendon papers, ii. 149. The lords had in the last month declared their readiness to treat; but the proceedings had been suspended in consequence of a royal declaration that the houses were not free, nor their votes to be considered as the votes of parliament. Journals, vi. 97. 103. 108.

try. The consideration of the resolutions was then resumed: terror had driven the more pusillanimous from the house; and on the second division the party obtained a majority of seven.*

Their opponents, however, might yet have triumphed, had they, as was originally suggested, repaired to the army, and claimed the protection of the earl of Essex. But the lord Say and Mr. Pym hastened to that nobleman and appeased his discontent with excuses and promises. They offered to punish those who had libelled his character: they professed an unbounded reliance on his honour; they assured him that money, clothing, and recruits were already prepared to re-establish his army. Essex was won; and he informed his friends, that he could not conscientiously act against the parliament from which he held his commission. Seven of the lords, almost half of the upper house, immediately retired from Westminster.†

New pre-
parations
for war.

The victorious party proceeded with new vigour in their military preparations. Every effort was made to comply with the demands of Essex.

Kimbolton, who on the death of his father had succeeded to the title of earl of Manchester, received a commission to levy 10,000 men in the associated counties of Norfolk, Suffolk, Essex, Cambridge, Ely, and Hertford.‡ An ordinance was passed, empowering the committees in the several counties to press soldiers, gunners, and surgeons: sir

* Clarendon, ii. 320. Journals, Aug. 5. 7. Lords, vi. 171, 172. Baillie, i. 390. On the Saturday, the numbers were 94 and 65; on the Monday, 81 and 79; but the report of the tellers was disputed, and on the second division it gave 81 and 89. Two days later, between 2000 and 3000 women (the men dared not appear,) presented a petition for peace, and received a civil answer; but as they did not depart, and some of them used menacing language, they were charged and dispersed by the military, with the loss of several lives. Journals, June 9. Clarendon, iii. 321. Baillie, i. 390.

† Clarendon, 323—333. Northumberland repaired to his house at Petworth; the earls of Bedford, Holland, Portland, and Clare, and the lords Lovelace and Conway to Oxford. They were ungraciously received, and most of them returned to the parliament.

‡ The first association was made in the northern counties by the earl of Newcastle in favour of the king, and was afterwards imitated by the counties of Devon and Cornwall. The patriots saw the advantage to be derived from such unions, and formed several among their partisans. The members bound themselves to preserve the peace of the associated counties; if they were royalists, "against the malevolent and ambitious persons who, in the name of the two houses, had embroiled the kingdom in a civil war;" if they were parliamentarians, "against the papists and other ill-affected persons, who surrounded the king." In each, regulations were adopted fixing the number of men to be levied, armed, and trained, and the money which for that purpose was to be raised in each township. Rushworth, v. 66. 94—97. 119. 381.

Henry Vane, with three colleagues from the lower house, hastened to Scotland to solicit the aid of a Scottish army; and that London might be secure from insult, a line of military communication was ordered to be drawn round the city. Every morning thousands of the inhabitants, without distinction of rank, were summoned to the task in rotation; with drums beating and colours flying they proceeded to the appointed place, and their wives and daughters attended to aid and encourage them during the term of their labour. In a few days this great work, extending twelve miles in circuit, was completed, and the defence of the line, with the command of 10,000 men, was intrusted to sir William Waller. Essex, at the repeated request of the parliament, signed the commission, but refused to insert in it the name of his rival. The blank was filled up by order of the house of commons.*

But London was preserved from danger by the insubordination of the royalists. The earl, now Battle of Newbury. marquess of Newcastle, had associated the northern counties in favour of the king; he had defeated lord Fairfax, the parliamentary general, at Atherton moor, and had retaken Gainsborough in Lincolnshire, from the forces under the command of Oliver Cromwell. But he could not prevail on his followers to march any further from their homes, or to join the grand army of the royalists in the projected attack upon the metropolis, and Charles, deprived of one half of his expected force, was compelled to adopt a new plan of operations. Turning his back on London, he hastened towards the Severn; and invested Gloucester. That city was defended by colonel Massey, a brave and determined officer, with an obstinacy equal to its importance: and Essex, at the head of 12,000 men, undertook to raise the siege. The design was believed impracticable: but all the attempts of the royalists to impede his progress were defeated; and on the twenty-sixth day the discharge of four pieces of cannon from Presbury hills announced his arrival to the inhabitants. The besiegers burnt their huts and retired: and Essex, having spent a few days to recruit his men; and provision the place, resumed his march in the direction of London. On his approach to Newbury, he found the royal army ready to dispute the passage. I shall not attempt to describe a conflict, which has been rendered unintelligible by the confused and discordant narratives of different writers. The king's cavalry appears to have been

Aug. 10.

Aug. 26.

Sept. 5.

Sept. 20.

* May, 214. Journals, July 18, 19, 27. Lords', vi. 149. 158. 175. 184. VOL. X. 17

more than a match for that of the enemy; but it could make no impression on the forest of pikes presented by the infantry. The battle raged till late in the evening, and both armies passed the night in the field; but in the morning the king allowed Essex to march through Newbury, and having ordered prince Rupert to annoy the rear, retired with his infantry to Oxford. The parliamentarians claimed the victory: and their commander having made his triumphal entry into the capital, solicited permission to resign his command, and travel on the continent. To those who sought to dissuade him, he objected the distrust with which he had been treated, and the insult which had been offered to him by the authority intrusted to Waller. Several expedients were suggested: but the lord general was aware of his advantage; his jealousy could not

be removed by adulation or submission; and
 Oct. 9. Waller, after a long struggle, was compelled to lay down his command.*

New great
 seal.

As soon as the parliament had recovered from the alarm occasioned by the loss of Bristol, it had found leisure to devote a part of its attention to the civil government of the kingdom. 1. Serious inconveniences had been experienced from the absence of the great seal, the application of which was held by the lawyers necessary to give validity to several descriptions of writs. Of this benefit the two houses and their adherents were deprived, while the king on his part was able to issue patents and commissions in the accustomed form. To remedy

May 15. the evil, the commons had voted a new seal: the

Oct. 11. lords demurred: but at last their consent was extorted: commissioners were appointed to execute the office of lord keeper, and no fewer than five hundred writs were sealed in one day. 2. The public administration of justice had been suspended for twelve months. The king constantly adjourned the terms from Westminster to Oxford, and the two houses as constantly forbade the judges to go their circuits during the vacations. Now, however, under the authority of the new seal, the courts were opened. The commissioners sat in chancery, and three judges, all that remained with the parliament, Bacon, Reeve, and Trevor, in those of the king's bench, the common pleas, and the exchequer. 3. The prosecution of the judges on account of their opinions in the case of the ship money, was resumed. Of those who had been impeached, two remained, Berkley and Trevor.

* Rushworth, v. 286. 290. 293. May, 220—228. Clarendon, iii. 347. Journals, Sept. 26. 28. Oct. 7. 9. Lords', vi. 218. 242. 246. 247. 347. 356.

The first was fined in twenty, the second in six thousand pounds. Berkley obtained the remission of a moiety of the fine, and both were released from the imprisonment to which they were adjudged.*

Ever since the beginning of the troubles a thorough understanding had existed between the chief of the Scottish covenanters and the principal of the English reformers. Their views were similar; their object the same. The Scots had, indeed, fought and won: but they held the fruit of their victory by a doubtful tenure, as long as the fate of their "English brethren" depended on the uncertain chances of war. Both policy and religion prompted them to interfere. The triumph of the parliament would secure their own liberties; it might serve to propagate the pure worship of their kirk. They made known their readiness to furnish assistance: they received thanks for the offer; but to their surprise and irritation, month after month passed away, and still no commissioner arrived to make the expected demand. The fact was, that, of the English reformers, many feared to give themselves masters under the name of allies, and the others abhorred the intolerance of a presbyterian kirk, as much as the tyranny of a prelatie church.† But the successes of the king had subdued these objections, and in July four commissioners, Vane, Armin, Hatcher, and Darley, with Marshall, a presbyterian, and Nye, an independent divine, were despatched July 20. with full powers to Scotland.‡ Both the convention of the estates, and the assembly of the kirk, had long before been summoned to meet them: Aug. 7. their arrival was celebrated as a day of national triumph; and the letters which they delivered from the English parliament were read by some with shouts of exultation, by others with tears of joy.§

* Lords' Journals, vi. 214. 252. 264. 301. 318. Commons' Journals, May 15. July 5. Sept. 28. Rushworth, v. 144, 145. 339. 342. 361.

† "The jealousy the English have of our nation, beyond all reason, is not well taken. If Mr. Meldrum bring no satisfaction to us quickly as to conformity of church government, it will be a great impediment in their affairs here." Baillie, July 26. i. 372. See also Dalrymple, ii. 144.

‡ The Scots did not approve of this mission of the independent ministers. "Mr. Marshall will be most welcome; but if Mr. Nye, the head of the independents, be his fellow, we cannot take it well." Baillie, i. 372. They both preached before the assembly. "We heard Mr. Marshall with great contentment. Mr. Nye did not please. He touched neither in prayer or preaching the common business. All his sermon was on the common head of spiritual life, wherein he ran out above all our understandings." *Id.* 388.

§ Baillie, i. 379. 380. Rushworth, v. 467. 470.

Solemn
league and
covenant.

In the very outset of the negociation two important difficulties occurred. The Scots professed a willingness to take up arms, but sought at the same time to assume the character of mediators and umpires, to dictate the terms of reconciliation, and to place themselves in a condition to extort the consent of the opposite parties. From these lofty pretensions they were induced to descend by the obstinacy of Vane, and the persuasions of Johnston of Wariston, one of their ablest statesmen; they submitted to act as the allies of the parliament; but required, as an indispensable preliminary, the sanction of the kirk. It was useless to reply that this was a civil and not a religious treaty. The Scots rejoined, that the two houses had always announced the reformation of religion as the chief of their objects: that they had repeatedly expressed their wish of "a nearer union of both churches:" and that in their last letters to the assembly, they had requested the members to aid them with their prayers and influence, to consult with their commissioners, and to send some Scottish ministers to join the English divines assembled at Westminster.* Under these circumstances, Vane and his colleagues could not refuse to admit a deputation from the assembly, with Henderson the moderator at its head. He submitted to their consideration the form of a "solemn league and covenant," which bound the two nations to prosecute the public incendiaries, to preserve the king's life and authority in defence of the true religion and the liberties of both kingdoms, to extirpate popery, prelacy, heresy, schism, and profaneness, and to establish a conformity of doctrine, discipline, and church government throughout the island. This last clause alarmed the commissioners. They knew that though the majority of the parliamentarians inclined to the presbyterian tenets, there existed among them a numerous and most active party, who deemed all ecclesiastical authority an invasion of the rights of conscience: and they saw that to introduce an obligation so repugnant to the principles of the latter, would be to provoke an open rupture, and to marshal the two sects in hostile array against each other. But the zeal of the Scottish theologians was inexorable; they refused to admit any opening to the toleration of the independents; and it was with difficulty that they were at last persuaded to intrust the wording of the article to two or three individuals of known and approved orthodoxy. By these it was presented in a new and less objectionable form, clothed in such happy ambiguity of language,

* Journals, vi. 140.

as to suit the principles and views of all parties. It proved that the kirk should be preserved in its existing purity, and the church of England "be reformed according to the word of God," (which the independents would interpret in their own sense,) and "after the example of the best reformed churches," among which the Scots could not doubt that theirs was entitled to the first place. In this shape, Henderson with an appropriate preface laid the league and covenant before the assembly; several speakers, admitted into the secret, commended it in terms of the highest praise, and it was immediately approved without one dissentient voice.*

Aug. 17.

As soon as the covenant, in its amended shape, had received the sanction of the estates, the most eloquent pens were employed to quicken the flame of enthusiasm. The people were informed, in the cant language of the time, 1. that the controversy in England was between the Lord Jesus and antichrist with his followers: the call was clear: the curse of Meroz would light on all who would not come to help the Lord against the mighty: 2. that both kirks and kingdoms were in imminent danger; they sailed in one bottom, dwelt in one house, and were members of one body; if either were ruined, the other could not subsist: Judah could not long continue in liberty, if Israel were led away captive: and, 3. that they had now a fair opportunity of advancing uniformity in discipline and worship: the English had already laid the foundation of a good building by casting out that great idol, prelacy: and it remained for the Scots to rear the edifice, and in God's good time to put on the cap-stone. The clergy called on their hearers "to turn to God by fasting and prayer:" a proclamation was issued summoning all the lieges between the ages of sixteen and sixty to appear in arms, and the chief command of the forces was, at the request of the parliament, accepted by Lesley, the veteran general of the covenanters in the last war. He had indeed made a solemn promise to the king, when he was created earl of Leven, never more to bear arms against him; but he now recollected that it was with the reservation, if not expressed, at least understood, of all cases in which liberty or religion might be at stake.†

Scots prepare for war.

* Baillie, i. 381. Clarendon, iii. 368—384. Both Vane and Nye were independents.

† Rushworth, v. 472, 482. 492. Journals, 139. 312. Baillie, i. 390. 391. "The chief aim of it was for the propagation of our church discipline in England and Ireland." Id. 393.

Covenant
taken in
England.

In England the covenant with some amendments was approved by the two houses, and ordered to be taken and subscribed by all persons in office, and generally by the whole nation. The commons set the example; the lords, with an affectation of dignity which exposed them to some sarcastic remarks, waited till it had previously been taken by the Scots. At the same time a league of "brotherly assistance" was negotiated, stipulating that the estates should aid the

Nov. 29. parliament with an army of 21,000 men: that they should place a Scottish garrison in Berwick, and dismantle the town at the conclusion of the war, and that their forces should be paid by England at the rate of £31,000 per month, should receive for their outfit an advance of £100,000, besides a reasonable recompense at the establishment of peace: and should have assigned to them as security the estates of the papists, prelates, and malignants in Nottinghamshire, and the five northern counties. On the arrival of £60,000 the levies began: in a few weeks they were completed; and before the end of the year, Lesley mustered his forces at Hairlaw, the appointed place of rendezvous.*

Charles
seeks aid
from Ire-
land.

This formidable league, this union, cemented by interest and fanaticism, struck alarm into the breasts of the royalists. They had found it difficult to maintain their ground against the parliament alone: they felt unequal to the contest with a new and powerful enemy. But Charles stood undismayed; of a sanguine disposition, and confident in the justice of his cause, he saw no reason to despond; and, as he had long anticipated, so had he prepared to meet this additional evil. With this view he had laboured to secure the obedience of the English army in Ireland against the adherents and emissaries of the parliament. Suspecting the fidelity of Leicester, the lord lieutenant, he contrived to detain him in England: he gave to the commander-in-chief, the earl of Ormond, who was raised to the higher rank of marquess, full authority to dispose of commissions in the army: he appointed sir Henry Tichborne lord justice in the place of Parsons; he compelled the commissioners sent

* Journals, Sept. 14. 21. 25. Oct. 3. Dec. 8. Lords' Journals, vi. 220—224. 243. 289. 364. The amendments were the insertion of "the church of Ireland" after that of England, an explanation of the word pre-lacy, and the addition of a marginal note, stating, that by the expression "according to the word of God," was meant so far as we do, or shall in our consciences conceive, "the same according to the word of God." Journals, Sept. 1. 2.

by the two houses to leave the island: and at last obtained an undisputed ascendancy by imprisoning, under a charge of treason, four of the counsellors most hostile to his designs.* Aug. 1.

So many reenforcements had successively been poured into Ireland both from Scotland and England, that the army was at length raised to 50,000 men:† but of these the Scots seemed to attend to their private interests more than the advancement of the common cause; and the English were gradually reduced in number by want, and desertion, and the casualties of war. They won indeed several battles; they burnt and demolished many villages and towns; but the evil of devastation recoiled upon themselves, and they began to feel the horrors of famine in the midst of the desert which they had made. Their applications for relief were neglected by the parliament, which had converted to its own use a great part of the money raised for the service of Ireland, and felt little inclination to support an army attached to the royal cause. The officers remonstrated in free though respectful language, and the failure of their hopes embittered their discontent, and attached them more closely to the sovereign.‡

In the meanwhile the catholics, by the establishment of a federative government, had consolidated their power, and given a uniform direction to their efforts. It was the care of their leaders to copy the example given by the Scots, during the successful war of the covenant. Like them, they professed a sincere attachment to the person, a profound respect for the legitimate authority, of the monarch: but like them, they claimed the right of resisting oppression, and of employing force in defence of their religion and liberties. At their request, and in imitation of the general assembly of the Scottish kirk, a synod of catholic prelates and divines was convened at Kilkenny: a statement of the grievances which led the insurgents to take up arms, was placed before them: and they decided that the grounds were sufficient, and the war was lawful, provided it were not conducted through motives of personal interest or hatred, nor disgraced by acts of unnecessary cruelty. An oath and covenant was ordered to be taken, binding the subscribers to protect, at the risk of their lives and fortunes, the freedom of the catholic worship, the person, heirs, and

Federative
assembly
of the ca-
tholics.

1642.
May 10.

* Carte, i. 421. 441. iii. 76. 125. 135.

† Journals, v. 226.

‡ Clarendon, iii. 415—418. 424. Carte's Ormond, iii. 155. 162. 164.

rights of the sovereign, and the lawful immunities and liberties of the kingdom of Ireland, against all usurpers and invaders whomsoever: and excommunication was pronounced against all catholics who should abandon the covenant or assist their enemies, against all who should forcibly detain in their possession the goods of English or Irish catholics, or of Irish protestants not adversaries to the cause, and against all who should take advantage of the war to murder, wound, rob, or despoil others. By common consent a supreme council of twenty-four members was chosen, with lord Mountgarret as president, and a day was appointed for a national assembly, which, without the name, should assume the form, and exercise the rights, of a parliament.*

Their apolo-
gies and
remon-
strance.

1642.

Oct. 1.

This assembly gave stability to the plan of government devised by the leaders. The authority of the statute law was acknowledged, and for its administration a council was established in each county. From the judgment of this tribunal there lay an appeal to the council of the province, which in its turn acknowledged the superior jurisdiction of "the supreme council of the confederated catholics in Ireland." For the conduct of the war four generals were appointed, one to lead the forces of each province: Owen O'Nial in Ulster, Preston in Leinster, Barry Garret in Munster, and John Burke in Connaught, all of them officers of experience and merit, who had relinquished their commands in the armies of foreign princes to offer their services to their countrymen. Aware that these regulations amounted to an assumption of the sovereign authority, they were careful to convey to the king new assurances of their devotion to his person, and to state to him reasons in justification of their conduct. Their former messengers, though protestants of rank and acknowledged loyalty, had been arrested, imprisoned, and, in one instance at least, tortured by order of their enemies. They now adopted a more secure channel of communication, and transmitted their petitions through the hands of the commander-in-chief. In these the supreme council detailed a long list of grievances, which they prayed might be redressed. They repelled with warmth the imputation of disloyalty or rebellion. If they had taken up arms, they had been compelled to it by a succession of injuries beyond human endurance, of injuries in their religion, in their honour and estates, and in the liberties of their country. *Their* enemies were the enemies of the king. The men who had sworn to

* Belling, *Vindicia*, 4—7. Rushworth, v. 516.

extirpate them from their native soil, were the same who sought to deprive *him* of his crown. They therefore conjured *him* to summon a new parliament in Ireland, to allow them the free exercise of that religion which they had inherited from their fathers, and to confirm to Irishmen their national rights, as he had already done to his subjects of England and Scotland.*

The very first of these petitions, praying for a cessation of arms, had suggested a new line of policy to the king.† He privately informed the marquess of Ormond of his wish to employ a portion of the Irish army in England, required him for that purpose to conclude an armistice with the insurgents, and sent him instructions for the regulation of his conduct. This despatch was secret; it was followed by a public warrant; and that was succeeded by a peremptory command. But much occurred to retard the object, and irritate the impatience of the monarch. Ormond, for his own security, and the service of his sovereign, deemed it politic to assume a tone of superiority, and to reject most of the demands of the confederates, who, he saw, were already divided into parties, and influenced by opposite counsels. The ancient Irish, and the clergy, whose efforts were directed by Scaramp, a papal envoy, warmly opposed the project. Their enemies, they observed, had been reduced to extreme distress: their victorious army under Preston made daily inroads to the very gates of the capital. Why should they descend from the vantage ground, which they had gained? why, without a motive, resign the prize when it was brought within their reach? It was not easy to answer their arguments: but the lords of the pale, attached through habit to the English government, anxiously longed for an armistice as the preparatory step to a peace. Their exertions prevailed. A cessation of arms was concluded for twelve months; and the confederates, to the surprise of their enemies, consented to contribute towards the support of the royal army the sum of £15,000 in money, and the value of £15,000 in provisions.‡

Cessation
concluded.
1643.
April 23.

Sept. 15.

* Carte, fol. 110. 111. 136.

† Carte, iii. 99.

‡ Rushworth, v. 548. Carte, ii. App. 1. iii. 117. 131. 159. 160. 166. 168. 172. 174. No one, I think, who has perused all the documents, can doubt that the armistice was necessary for the preservation of the army in Ireland. But its real object did not escape the notice of the two houses, who voted it "destructive to the protestant religion, dishonourable to the English nation, and prejudicial to the interests of the three kingdoms;" and, to inflame the passions of their partisans, published a declaration, in which, with their usual adherence to truth, they assert, that the cessation

A French
envoy.

At the same time Charles had recourse to other expedients, from two of which he promised himself considerable benefit. 1. It had been the policy of the cardinal Richelieu to foment the troubles in England, as he had previously done in Scotland; and his intention was faithfully fulfilled by the French ambassador Senneterre. But in the course of the last year both Richelieu and Louis XIII. died: the regency, during the minority of the young king, devolved on Anne of Austria, the queen mother; and that princess had always professed a warm attachment for her sister-in-law, Henrietta Maria. Senneterre was superseded by the count of Harcourt, a prince of the house of Lorrain, with the title of ambassador extraordinary. The parliament received him with respect in London, and permitted him to proceed to Oxford. Charles, Sept. 13. whose circumstances would not allow him to spend his time in diplomatic finesse, immediately demanded a loan of money, an auxiliary army, and a declaration against his rebellious subjects. But these were things which the ambassador had no power to grant. He escaped Nov. 15. with difficulty from the importunity of the king, and returned to the capital to negotiate with the parliament. There, offering himself in quality of mediator, he requested to know the real grounds of the existing war: but his hope of success was damped by this cold and laconic answer, that, when he had any proposal to submit in the name of the French king, the houses would be ready to vindicate their Nov. 22. conduct. Soon afterwards the despatches from Jan. 10. his court were intercepted and opened: among them was discovered a letter from lord Goring to the queen; and its contents disclosed, that Harcourt had been selected on her nomination; that he was ordered to receive his instructions from her and the king; and that Goring was soliciting succour from the French court. This information, with an account of the manner in which it had been obtained, was communicated to the ambassador, who immediately demanded passports, and left the kingdom.*

2. Experience had proved to Charles, that the very name of parliament possessed a powerful influence over the minds

was made at a time when "the famine among the Irish had made them, unnatural and cannibal-like, eat and feed one upon another," that it had been devised and carried on by popish instruments, and was designed for the better introduction of popery, and the extirpation of the protestant religion. Journals, vi. 238. 289.

* Clarendon, iii. 398—403. Journals, vi. 245. 302. 5. 9. 375. 9. 416. Commons, Sept. 14. Oct. 11. Nov. 15. 22. Jan. 10. 12. Feb. 12.

of the lower classes in favour of his adversaries. To dispel the charm, he resolved to oppose the loyal members to those who remained at Westminster, and summoned by proclamation both houses to meet him at Oxford on the 22d of January in the succeeding year. Forty-three peers, and 118 commonsers obeyed:* the usual forms of parliament were observed, and the king opened the session with a gracious speech, in which he deplored the calamities of the kingdom, desired them to bear witness to his pacific disposition, and promised them all the freedom and privileges belonging to such assemblies. Their first measure was a letter subscribed by all the members of both houses, and directed to the earl of Essex, requesting him to convey to those "by whom he was trusted," their earnest desire, that commissioners might be appointed on both sides to treat of an accommodation. Essex, having received instructions, replied that he could not deliver a letter which neither in its address, nor in its contents, acknowledged the authority of the parliament. Charles himself was next brought forward. He directed his letter to "the lords and commons of parliament assembled at Westminster," and requested, "by the advice of the lords and commons of parliament assembled at Oxford," the appointment of commissioners to settle the distractions of the kingdom, and particularly the manner "how all the members of both houses might meet in full and free convention of parliament, to consult and treat upon such things as might conduce to the maintainance of the true protestant religion, with due consideration to the just ease of tender consciences, to the settling of the rights of the crown and of parliament, the laws of the land, and the liberties and property of the subject." This message the two houses considered as an insult, because it implied that they were not a full and free convention of parliament: in their answer they called on him to join them at Westminster; and in a public declaration denounced the proceeding as "a popish and jesuitical

Feb. 12.
Royalist
parliament
at Oxford.

1644.
Jan. 29.

Jan. 30.

March 3.

March 9.

* If we may believe Whitelock, (80) when the two houses at Westminster were called over, (Jan. 30.) there were 280 members present, and 100 employed on different services. But I suspect some error in the numbers, as the list of those who took the covenant amounts only to 220 names, even including such as took it after that day. (Compare Rushworth, v. 480, with the Journals.) The lords were twenty-two present, seventy-four absent, of whom eleven were excused. Journals, vi. 387. The two houses at Oxford published also their lists of the members, making the commons amount to 175, the lords to 83. But of the latter, several had been created since the commencement of the war.

practice, to allure them by the specious pretence of peace to disavow their own authority, and resign themselves, their religion, laws, and liberties, to the power of idolatry, superstition, and slavery.”* In opposition, the houses at Oxford declared, that the Scots had broken the act of pacification, that all English subjects who aided them, should be deemed traitors and enemies of the state, and that the lords and commons remaining at Westminster, who had given their consent to the coming in of the Scots, or the raising of forces under the earl of Essex, or the making and using of a new great seal, had committed high treason, and ought to be proceeded against as traitors to the king and kingdom.† Thus again vanished the prospect of peace; and both parties, with additional exasperation of mind, and keener desires of revenge, resolved once more to stake their hope of safety on the uncertain fortune of war.

But the leaders at Westminster found it necessary to silence the murmurs of many among their own adherents, whose anxiety for the restoration of peace led them to attribute interested motives

Proposi-
tions of
peace.

to the advocates of war. On the first appearance of a rupture, a committee of safety had been appointed, consisting of five lords and ten commoners, whose office it was to perform the duties of the executive authority, subject to the approbation and authority of the houses: now that the Scots had

agreed to join in the war, this committee, after a
Feb. 16. long resistance on the part of the lords, was dissolved, and another established in its place, under the name of the committee of the two kingdoms, composed of a few members from each house, and of certain commissioners from the estates of Scotland.‡ On this new body the peers looked with an eye of jealousy, and, when the commons, in conse-

* Journals, vi. 451. 459. The reader will notice this hint of religious toleration, the first which had yet been given from authority, and which a few years before, would have scandalized the members of the church of England, as much as it did now the presbyterians and Scots. But policy had taught that which reason could not. It was now thrown out as a bait to the independents, whose apprehensions of persecution were aggravated by the intolerance of their Scottish allies, and who were on that account suspected of having already made some secret overtures to the court. “Bristol, under his hand, gives them a full assurance of so full a liberty of their conscience, as they could wish, inveighing withal against the Scots’ cruel invasion, and the tyranny of our presbytery, equal to the Spanish inquisition.” Baillie, i. 428.

† Clarendon, iii. 440—454. Journals, 399. 404. 451. 459. 484. 485. Dec. 30. Jan. 16. 30. March 6. 11. Rushworth, v. 559—575. 582—602.

‡ Journals of Commons, Jan. 30. Feb. 7. 10. 12. 16. Of Lords, Feb. 12. 16.

quence of unfavourable reports, referred to it the task of "preparing some grounds for settling a just and safe peace in all the king's dominions," they objected, not to the thing, but to the persons, and appointed for the same purpose a different committee. The struggle lasted six weeks: but the influence of the upper house had diminished with the number of its members, and the lords were April 25.

compelled to submit under the cover of an unimportant amendment to maintain their own honour. The April 29.

propositions now brought forward as the basis of a reconciliation, were in substance the following: that the covenant with obligation of taking it, the reformation of religion according to its provisions, and the utter abolition of episcopacy, should be confirmed by act of parliament; that the cessation of war in Ireland should be declared void by the same authority: that a new oath should be framed for the discovery of catholics; that the penalties of recusancy should be strictly enforced; that the children of catholics should be educated protestants; that certain English protestants by name, all papists who had borne arms against the parliament, and all Irish rebels, whether catholics or protestants, who had brought aid to the royal army, should be excepted from the general pardon; that the debts contracted by the parliament should be paid out of the estates of delinquents; and that the commanders of the forces by land and sea, the great officers of state, the deputy of Ireland and the judges, should be also named by the parliament, or the commissioners of parliament, to hold their places during their good behaviour. From the tone of these propositions it was evident, that the differences between the parties had become wider than before, and that peace depended on the subjugation of the one by the superior force or the better fortune of the other.*

Here the reader may pause, and before he proceeds to the events of the next campaign, may take a view of the different financial expedients adopted by the contending parties. Want of money was an evil which pressed equally on both: but it was more easily borne by the patriots, who possessed an abundant

Methods of
raising
money.

* Journals, March 15. 20. 23. 29. 30. Ap. 3. 5. 13. 16. On the question whether they should treat in union with the Scots, the commons divided 64 against 64; but the noes obtained the casting vote of the speaker. Baillie, i. 446. See also the Journals of the Lords, vi. 473. 483. 491. 501. 514. 519. 527. 531. Such, indeed, was the dissention among them, that Baillie says they would have accepted the first proposal from the houses at Oxford, had not the news that the Scots had passed the Tweed, arrived a few hours before. This gave the ascendancy to the friends of war. Baillie, i. 429, 430.

resource in the riches of the capital, and were less restrained in their demands by considerations of delicacy or justice. 1. They were able on the most sudden emergencies to raise considerable supplies by loan from the merchants of the city, who seldom dared to refuse, or if they did, were compelled to yield by menaces of distraint and imprisonment. For all such advances interest was promised at the usual rate of eight per cent., and "the public faith was pledged for the repayment of the capital." 2. When the parliament ordered their first levy of soldiers, many of their partisans subscribed considerable sums in money, or plate, or arms, or provisions. But it was soon asked, why the burthen should fall exclusively on the well-affected; and the houses improved the hint to ordain, that all non-subscribers both in the city and in the country, should be compelled to contribute the twentieth part of their estates towards the support of the common cause. 3. Still the wants of the army daily increased, and as a temporary resource, an order was made that each county should provide for the subsistence of the men whom it had furnished: 4. and this was followed by a more permanent expedient, a weekly assessment of £10,000 on the city of London, and of £24,000 on the rest of the kingdom, to be levied by county rates, after the manner of subsidies. 5. In addition, the estates both real and personal of all delinquents, that is, all individuals who had borne arms for the king, or supplied him with money, or in any manner, or under any pretence, had opposed the parliament, were sequestrated from the owners; and placed under the management of certain commissioners empowered to receive the rents, to seize the monies and goods, to sue for debts, and to pay the proceeds into the treasury. 6. In the next place came the excise, a branch of taxation of exotic origin, and hitherto unknown in the kingdom. To it many objections were made; but the ample and constant supply which it promised, ensured its adoption; and after a succession of debates and conferences, which occupied the houses during three months, the new duties, which were in most instances to be paid by the first purchaser, were imposed both on the articles already subject to the customs, and on a numerous class of commodities of indigenous growth or manufacture.* Lastly, in aid of these several sources of revenue, the houses did not refuse another of a more singular description.

* It should be observed that the excise in its very infancy extended to strong beer, ale, cider, perry, wine, oil, figs, sugar, raisins, pepper, salt, silk, tobacco, soap, strong waters, and even flesh meat, whether it were exposed for sale in the market, or killed by private families for their own consumption. Journals, vi. 372.

It was customary for many of the patriots to observe a weekly fast for the success of their cause; and that their purses might not profit by the exercise of their piety, they were careful to pay into the treasury the price of the meal from which they had abstained. If others would not fast, it was at least possible to make them pay; and commissioners were appointed by ordinance to go through the city, to rate every house-keeper at the price of one meal for his family, and to collect the money on every Tuesday during the next six months. By these expedients the two houses contrived to carry on the war, though their pecuniary embarrassments were continually multiplied by the growing accumulation of their debts, and the unavoidable increase of their expenditure.*

With respect to the king, his first resource was in the sale of his plate and jewels, his next in the generous devotion of his adherents, many of whom served him during the whole war at their own cost; and, rather than become a burthen to their sovereign, mortgaged their last acre, and left themselves and their families without the means of future subsistence. As soon as he had set up his standard, he solicited loans from his friends, pledging his word to requite their promptitude, and allotting certain portions of the crown lands for their repayment—a very precarious security as long as the issue of the contest should remain uncertain. But the appeal was not made in vain. Many advanced considerable sums without reserving to themselves any claim to remuneration, and others lent so freely and abundantly, that this resource was productive beyond his most sanguine expectations. Yet before the commencement of the third campaign, he was compelled to consult his parliament at Oxford. By its advice he issued privy seals, which raised £100,000, and, in imitation of his adversaries, established the excise, which brought him a constant, though not very copious supply. In addition, his garrisons supported themselves by weekly contributions from the neighbouring townships, and the counties which had associated in his favour willingly furnished pay and subsistence to their own forces. Yet, after all, it was manifest that he possessed not the same facilities of raising money with his

* Ibid. v. 460. 466. 482. vi. 108. 196. 209. 224. 248. 250. 272. Commons' Journals, Nov. 26, Dec. 8, 1642. Feb. 23. Sept. 8, 1643. March 26, 1644. Rushworth, v. 71. 150. 209. 313. 748. It should be recollected that according to the devotion of the time, "a fast required a total abstinence from all food, till the fast was ended." Directory for the publique worship, p. 32.

adversaries, and that he must ultimately succumb through poverty alone, unless he could bring the struggle to a speedy termination.*

Battle of Nantwich. For this purpose both parties had made every exertion, and both Irishmen and Scotsmen had been called into England to fight the battles of the king and the parliament. The severity of the winter afforded no respite from the operations of war. Five Irish regiments, the first fruits of the cessation in Ireland, arrived at Mostyn in Flintshire: their reputation, more than their number, unnerved the prowess of their enemies; no force ventured to oppose them in the field; and, as they advanced, every post was abandoned or surrendered.

1643.
November.

At length the garrison of Nantwich arrested their progress; and whilst they were occupied with the siege, sir Thomas Fairfax approached with a superior force from Yorkshire. For two hours the Anglo-Irish, under lord Byron, maintained an obstinate resistance against the assailants from without, and the garrison from within the town; but in a moment of despair, 1600 men threw down their arms, and, with a few exceptions, entered the ranks of their adversaries. Among the names of the officers taken, occurs that of the celebrated colonel Monk, who was afterwards released from the Tower to act a more brilliant part, first in the service of the commonwealth, and then in the re-establishment of the throne.†

1644.
Jan. 15.

Jan. 25.

Scottish army enters England. A few days before this victory, the Scots had passed the Tweed. The notion that they were engaged in a holy crusade for the reformation of religion, made them despise every difficulty; and though the weather was tempestuous, though the snow lay deep on the ground, their enthusiasm carried them forward in a mass which the royalists dared not oppose. Their leader sought to surprise Newcastle: he was disappointed by the promptitude of the marquess of Newcastle, who, on the preceding day, had thrown himself into the town; and famine compelled the enemy, after a siege of three weeks, to abandon the attempt. Marching up the left bank of the Tyne, they crossed the river at Bywell, and hastening by Elchester to Sunderland, took possession of that port to open a communication by sea with their own country. The marquess, having assembled his army,

Jan. 19.

Feb. 2.

Feb. 28.

March 4.

* Rushworth, v. 580. 601. Clarendon, ii. 87. 453. † Rush. v. 299. 303.

offered them battle; and when they refused to fight, confined them for five weeks within their own quarters. In proportion as their advance into England had elevated the hopes of their friends in the capital, their subsequent inactivity provoked surprise and complaints. But lord Fairfax having been joined by his victorious son from April 11. Cheshire, dispersed the royalists at Leeds under colonel Bellasis, the son of lord Falconberg; and the danger of being enclosed between two armies induced the marquess of Newcastle to retire from Durham to April 13. York. He was quickly followed by the Scots: April 20. they were joined by Fairfax, and the combined army sat down before the city. Newcastle at first despised their attempts; but the arrival of the earl of Manchester at the head of 14,000 men, convinced him of his danger, and he earnestly solicited succour from the king.* June 3.

But instead of proceeding with the military transactions in the north, it will here be necessary to advert to those which had taken place in other parts of the kingdom. In the counties on the southern coast several actions had been fought; of which the success was various, and the result unimportant. Every eye fixed itself on the two grand armies in the vicinity of Oxford and London. The parliament professed a resolution to stake the fortune of the cause on one great and decisive battle; and with this view, every effort was made to raise the forces of Essex and Waller, to the amount of 20,000 men. These generals marched in two separate corps, with the hope of enclosing the king, or of besieging him in Oxford.† Aware of his inferiority, Charles, by a skilful manœuvre, passed with 7,000 men between the hostile divisions, and arrived in safety at Worcester. The jealousy of the commanders did

Marches
and counter-
marches.

June 3.

June 6.

* Rushworth, v. 222. Baillie, ii. 1. 6. 10. 28. 32. Journals, 522.

† When Essex left London, he requested the assembly of divines to keep a fast for his success. The reader may learn from Baillie how it was celebrated. "We spent from nine to five graciously. After D. Twisse had begun with a brief prayer, Mr. Marshall prayed large two hours, most divinely confessing the sins of the members of the assembly in a wonderful, pathetick, and prudent way. After Mr. Arrowsmith preached an hour, then a psalm; thereafter Mr. Vines prayed near two hours, and Mr. Palmer preached an hour, and Mr. Seaman prayed near two hours, then a psalm; after Mr. Henderson brought them to a sweet conference of the heat confessed in the assembly, and other seen faults to be remedied, and the conveniency to preach against all sects, especially anabaptists and antinomians. Dr. Twisse closed with a short prayer and blessing. God was so evidently in all this exercise, that we expect certainly a blessing." Baillie, ii. 18. 19.

not allow them to act in concert. Essex directed his march into Dorsetshire; Waller took on himself the task of pursuing the fugitive monarch. Charles again deceived him. He pretended to advance along the right bank of the Severn from

Worcester to Shrewsbury; and when Waller, to prevent him, hastened from Broomsgrove to take possession of that town, the king turned at Bewd-

ly, retraced his steps to Oxford, and recruiting his army, beat up the enemy's quarters in Buckinghamshire. In two days Waller had returned to the Char-

well, which separated the two armies; but an unsuccessful action at Copredy bridge checked his impetuosity, and Charles improving the advantage to repass the river, marched in pursuit of Essex. Waller did not follow: his forces, by fatigue, desertion, and his late loss, had been reduced from 8000 to 4000 men, and the committee of the two kingdoms recalled their favourite general from his tedious and unavailing pursuit.*

During these marches and countermarches, in which the king had no other object than to escape from his pursuers, in the hope that some fortunate occurrence might turn the scale in his favour, he received despatches from the marquess of Newcastle. The ill-fated prince instantly saw the danger which threatened him. The fall of York would deprive him of the northern counties, and the subsequent junction of the besieging army with his opponents in the south, would constitute a force against which it would be useless to struggle. His only resource was in the courage and activity of prince

Rupert. He ordered that commander to collect all the force in his power, to hasten into Yorkshire, to fight the enemy, and to keep in mind that two things were necessary for the preservation of the crown,—both the relief of the city, and the defeat of the combined army.†

Rupert early in the spring, had marched from his quarters at Shrewsbury, surprised the parliamentary army before Newark, and after a sharp action compelled it to capitulate. He was now employed in Cheshire and Lancashire, where he had taken Stockport, Bolton, and Liverpool, and

* Rushworth, v. 670—676. Clarendon, iv. 487—493. 497—502. Bailie, ii. 38.

† See his letter in Evelyn's memoirs, ii. App. 88. It completely exculpates Rupert from the charge of obstinacy and rashness in having fought the subsequent battle of Marston-moor.

had raised the siege of Lathamhouse, after it had been gallantly defended during eighteen weeks by the resolution of the countess of Derby. On the receipt of the royal command, he took with him a portion of his own men, and some regiments lately arrived from Ireland: reinforcements poured in on his march, and on his approach the combined army deemed it prudent to abandon the works before the city. He was received with acclamations of July 1. joy: but left York the next day to fight the bloody and decisive battle of Marston-moor.* Both armies amounted to nearly the same number,—23,000 men, of whom two-fifths were cavalry. About five in the afternoon they had formed in line at a short distance from each other, divided only by a narrow ditch or rivulet. A solemn pause ensued, each eyeing the other in the silence of suspense, and awaiting the signal of battle. At seven it was given by the confederates. Their left charged with resistless impetuosity: the cavalry of the prince, and a portion of the infantry of the centre, were chased from the field; but their right could not bear the shock of the royalists: the men fled in all directions, and the intelligence of their defeat was carried by the fugitives to Tadcaster.

Thus it happened that one half of each army had triumphed; and the victors, on their return to the field, found themselves, to their surprise, opposed to each other, and standing on the very ground which had previously been occupied by the enemy. About nine they formed again: the royalists were broken at the first charge; and, as the change of position cut them off from the road to York, 1500 men, with the whole train of artillery, fell into the hands of the conquerors. Their respective loss in the field is uncertain; but those who buried the slain numbered 4150 dead bodies.†

* Rushworth, v. 307. 623. 631.

† Rushworth, v. 632—636. Clarendon, iv. 503. Clarendon attributes the success of the confederates to Fairfax, who turned the fortune of the day when the Scottish army was routed and their general fled; (569) and in p. 503 he asserts that on the side of the confederates, "the Scots fled all ways for many miles together, and that their general, the earl of Leven, was taken into custody by a constable, and detained part of the next day." This has been described as a falsehood and misrepresentation. Yet there was some foundation for it, as appears from Baillie, who acknowledges that Lesley "took to his heels—only Eglington kept ground there to his great loss." Baillie, ii. 36. "Shame hath fallen on particular men, who turned their backs, though most obliged to have stood still." p. 40. Again, he congratulates lord Eglington on the honour which he had gained, "when so many with cowardice fell in disgrace worse than death." p. 41.

Surrender
of Newcas-
tle.

This disastrous battle extinguished the power of the royalists in the northern counties. The prince and the marquess had long cherished a deep-rooted antipathy to each other. It had displayed itself in a consultation respecting the expediency of fighting; it was not probable that it would be appeased by their defeat. They separated the next morning: Rupert hastening to quit a place where he had lost so gallant an army, returned to his former command in the western counties; Newcastle, whether he despaired of the royal cause, or was actuated by a sense of injurious treatment, taking with him the lords Falconberg and Widrington, sought an asylum on the continent. York, abandoned to its fate, opened its gates to the enemy, on condition that the citizens should not be molested, and that the garrison should retire to Skipton. The combined army immediately separated by order of the committee of both kingdoms. Manchester returned into Nottinghamshire, Fairfax remained in York, and the Scots, retracing their steps, closed the campaign with the reduction of Newcastle. They had no objection to pass the winter in the neighbourhood of their own country: the parliament felt no wish to see them nearer the English capital.*

Essex
marches
into the
west.

In the meantime Essex, impatient of the control exercised by that committee, ventured to act in opposition to its orders, and the two houses, though they reprimanded him for his disobedience, allowed him to pursue the plan which he had formed of dissolving with his army the royalist association in Somersetshire, Devonshire, and Cornwall. June 15. He relieved Lime, which had long been besieged by prince Maurice, one of the king's nephews, and advanced in the direction of Exeter, where the queen a few days before had been delivered of a daughter. June 16. That princess, weary of the dangers to which she was exposed in England, repaired to Falmouth, put to sea with a squadron of ten Dutch or Flemish vessels, and escaping the keen pursuit of the English fleet July 14. from Torbay, reached in safety the harbour of Brest.† July 25.

* Clarendon, ii. 504.

† I doubt whether Essex had any claim to that generosity of character which is attributed to him by historians. The queen had been delivered of a princess, Henrietta Maria, at Exeter, and sent to him for a passport to go to Bath or Bristol for the recovery of her health. He refused, but insultingly offered to attend her himself, if she would go to London, where she had been already impeached of high treason. Rushworth, v. 684. I observe that even before the war, when the king had written to the queen

Essex, regardless of the royalists who assembled in the rear of his army, pursued his march into Cornwall. To most men his conduct was inexplicable. Many suspected that he sought to revenge himself on the parliament by betraying his forces into the hands of the enemy. At Lestithiel he received two letters, one in which he was solicited by the king to unite with him in compelling his enemies to consent to a peace, which, while it ascertained the legal rights of the throne, might secure the religion and liberties of the people; another from eighty-four of the principal officers in the royal army, who pledged themselves to draw the sword against the sovereign himself, if he should ever swerve from the principles which he had avowed in his letter. Both were disappointed. Essex sent the letters to the two houses, and coldly replied that his business was to fight, that of the parliament to negotiate.

June 26.

Aug. 6.

But he now found himself in a most critical situation, cut off from all intercourse with London, and enclosed between the sea and the combined forces of the king, prince Maurice, and sir Richard Greenville. His cavalry, unable to obtain subsistence, burst, though not without loss, through the lines of the enemy. But each day the royalists won some of his posts; their artillery commanded the small haven of Foy, through which alone he could obtain provisions; and his men, dismayed by a succession of disasters, refused to stand to their colours. In this emergency Essex, with two other officers, escaped from the beach in a boat to Plymouth; and major-general Skippon offered to capitulate for the rest of the army. On the surrender of their arms, ammunition, and artillery, the men were allowed to march to Pool and Wareham, and thence were conveyed in transports to Portsmouth, where commissioners from the parliament met them with a supply of clothes and money. The lord general repaired to his own house, calling for an investigation both into his own conduct and into that of the committee, who had neglected to disperse the royalists in the rear of his army, and had betrayed the cause of the people, to gratify their own jealousy by the disgrace of an opponent. To soothe his wounded mind, the houses ordered a joint deputation to wait on him, to thank him for his fidelity to the cause, and to express their

His army capitulates.

Sept. 1.

to intimate his wish to Essex, as lord chamberlain, to prepare the palace for his reception, she desired Nicholas to do it, adding, "their lordships are to great princes to receive any direction from me." Evelyn's mem. ii. App. 78.

estimation of the many and eminent services which he had rendered to his country.*

This success elevated the hopes of the king, who, assuming a tone of conscious superiority, invited all his subjects to accompany him to London, and aid him in compelling the parliament to accept of peace. But the energies of his

Third battle of Newbury.

Sept. 30.

opponents were not exhausted. They quickly recruited their diminished forces: the several corps under Essex, Waller, and Manchester united; and, while the royalists marched through Whitechurch to Newbury, a more numerous army moved in a parallel direction through Basingstoke to Reading. There the leaders (the lord general was absent under pretence of indisposition,) hearing of reinforcements pouring into Ox-

Oct. 27.

ford, resolved to avail themselves of their present superiority, and to attack, at the same moment, the royalist positions at Show on the eastern, and at Speen on the western side of the town. The action in both places was obstinate, the result, as late as ten at night, doubtful: but the king, fearing to be surrounded the next day, assembled his men under the protection of Dennington castle, and marched towards Wallingford, a movement which was executed without opposition by the light of the moon, and in full view of the enemy. In a few days he re-

Nov. 9.

turned with a more numerous force, and, receiving the artillery and ammunition, which for security he had left in Dennington castle, conveyed it without molestation to Wallingford. As he passed and repassed, the parliamentarians kept within their lines, and even refused the battle which he offered. This backwardness, whether it arose from internal dissention, or from inferiority of numbers, provoked loud complaints, not only in the capital, where the conflict at Newbury had been celebrated as a victory, but in the two houses, who had ordered the army to follow up its success. The generals, having dispersed their troops in winter quarters, hastened to vindicate their own conduct. Charges of cowardice, or disaffection, or incapacity, were made and retorted by one against the other: and that cause which had nearly triumphed over the king, seemed now on the point of being lost, through the personal jealousies and contending passions of its leaders.†

Rise of Cromwell.

The greater part of these quarrels had originated in the rivalry of ambition: but those in the army of the earl of Manchester were produced

* Rushworth, v. 683, 4. 690—3. 699—711. Clarend. iv. 511—518—527.

† Rushworth, v. 715—732. Clarendon, 546—552.

by religious jealousy, and on that account were followed by more important results. When the king attempted to arrest the five members, Manchester, at that time lord Kymbolton, was the only peer whom he impeached. This circumstance endeared Kymbolton to the party: his own safety bound him more closely to its interests. On the formation of the army of the seven associated counties, he accepted, though with reluctance, the chief command: his temper and education had formed him to shine in the senate rather than the camp; and, aware of his own inexperience, he devolved on his council the chief direction of military operations, reserving to himself the delicate and important charge of harmonizing and keeping together the discordant elements of which his force was composed. The second in command was Cromwell, with the rank of lieutenant general. That fortunate adventurer, the first cousin and faithful follower of Hampden, had served in the last parliament for Huntingdon, and sat in the present as representative of Cambridge. He was a bold, though not a frequent speaker. The courtiers ridiculed the homeliness of his dress, the sharpness of his voice, and the inelegance of his manners: but Cromwell could always command the attention of the house by the originality of his views and "the fervour of his eloquence." At the commencement of the war he hastened to raise troops in the eastern counties, and was soon at the head of a regiment of cavalry, all of them freeholders or the sons of freeholders, soldiers from a sense of duty, and enthusiasts both in religion and politics.* Though he freely associated with his men, he never forfeited their attachment or obedience: he prayed and fought at their head; and by his courage, and decision, and good fortune, was soon distinguished as one of the most promising among the parliamentary officers. It has been said that he was a dissembler from the beginning, who sought to conceal the workings of his ambition under the affectation of superior piety. But I can discover no sufficient ground for the charge. To me he appears to have felt that religious fanaticism which he so fearlessly displayed, and to have owed his first rise towards greatness more to his zeal in the cause, and the native energy of his mind, than to any views of personal interest or aggrandizement.

In the parade of sanctity both Manchester and Cromwell seemed equal proficient: in belief and practice they followed two opposite parties. The first sought the exclusive establishment of the

His quarrel
with Man-
chester.

* Whitlock, 72.

presbyterian system: the other contended for the common right of mankind to worship God according to the dictates of conscience. But this difference of opinion provoked no dissension between them: The more gentle and accommodating temper of Manchester was awed by the superior genius of Cromwell, who gradually acquired the chief control of the army, and offered his protection to the independents under his command. In other quarters these religionists suffered restraint and persecution from the zeal of the presbyterians: the indulgence which they enjoyed under Cromwell scandalized and alarmed the orthodoxy of the Scottish commissioners, who, obtained as a counterpoise to the influence of that officer, the post of major general for Crawford, their countryman, and a rigid presbyterian. Cromwell and Crawford instantly became rivals and enemies. The merit of the victory at Marston-moor had been claimed by the independents, who magnified the services of their favourite commander, and ridiculed the flight and cowardice of the Scots. Crawford retorted the charge, and deposed upon oath that Cromwell, having received a slight wound in the neck at the commencement of the action, immediately retired, and never afterwards appeared in the field. The lieutenant general in revenge exhibited articles against Crawford before the committee of war,

Sept. 5. and the colonels threatened to resign their commissions unless he were removed; while on the other hand Manchester and the chaplains of the army gave testimony in his favour, and the Scottish commissioners, assuming the defence of their countryman, represented him as a martyr in the cause of religion.*

But before this quarrel was terminated a second of greater importance arose. The indecisive action at Newbury, and the refusal of battle at Dennington had excited the discontent of the public: the lower house ordered an inquiry into the conduct of the generals and the state of the armies: and the

Nov. 23. report made by the committee of both kingdoms, led to a vote that a plan for the organization of the national force, in a new and more efficient form, should be immediately prepared. Waller and Cromwell, who were both members of the house, felt dissatisfied with the report.

Nov. 25. At the next meeting each related his share in the transactions, which had excited such loud complaints; and the latter embraced the opportunity to prefer a charge of disaffection against the earl of Manchester, who, he pretended, was unwilling that the royal power should suffer

* Baillie, ii. 40, 41, 42. 49. 57. 60. 66. 69. Hollis, 15.

additional humiliation, and on that account would never permit his army to engage, unless it were evidently to its disadvantage. Manchester in the house of lords repelled the imputation with warmth, vindicated his own conduct, and retorted on his accuser, that he had yet to learn, in what place lieutenant-general Cromwell with his cavalry had posted himself on the day of battle.*

It is worthy of remark, that, even at this early period, Essex, Manchester, and the Scottish commissioners suspected Cromwell with his friends of a design to obtain the command of the army, to abolish the house of lords, divide the house of commons, dissolve the covenant between the two nations, and erect a new government according to his own principles. To defeat this project it was at first proposed, that the chancellor of Scotland should denounce him as an incendiary, and demand his punishment according to the late treaty: but on the reply of the lawyers whom they consulted, that their proofs were insufficient to sustain the charge, it was resolved that Manchester should accuse him before the lords of having expressed a wish to reduce the peers to the state of private gentlemen; of having declared his readiness to fight against the Scots, whose chief object was to establish religious despotism; and of having threatened to compel, with the aid of the independents, both king and parliament to accept such conditions as he should dictate. This charge, with a written statement by Manchester in his own vindication, was communicated to the commons: and they, after some objections in point of form and privilege, referred it to a committee, where its consideration was postponed from time to time, till at last it was permitted to sleep in silence.†

Dec. 2.

Cromwell did not hesitate to wreak his revenge on Essex and Manchester, though the blow would probably recoil upon himself. He proposed in the commons, what was afterwards called the “self-denying ordinance,” that the members of

First self-denying ordinance.

Dec. 9.

both houses should be excluded from all offices, whether civil or military. His real object was open to every eye: but the motion met with the concurrence of his own party, and of all whose patience had been exhausted by the quarrels among the commanders: and when an exemption was suggested in favour of the lord-general, it was lost on a division by seven

* Rushworth, v. 732. Journals, Nov. 22, 23, 25. Lords' Journals, vii. 76. 78. 80. 141. Whitelock, 116.

† Baillie, ii. 76, 77. Journals, Dec. 2, 4. Jan. 18. Lords' Journals, 79, 80. Whitelock, 116, 117. Hollis, 18.

Dec. 17. voices, in a house of one hundred and ninety-three members. However, the strength of the opposition encouraged the peers to speak with more than their usual freedom. They contended that the ordinance was unnecessary, since the committee was employed in framing a new model for the army: that it was unjust, since it would operate to the exclusion of the whole peerage from office, while the commons remained equally eligible to sit in parliament, or to fill civil or military employments. It was in vain that the lower house remonstrated. The lords replied that they had thrown out the bill, but would consent to another of similar import, provided it did not extend to commands in the army.*

1645.
Jan. 15. But by this time the committee of both kingdoms had completed their plan of military reform, which in its immediate operation tended to produce the same effect as the rejected ordinance. It obtained the sanction of the Scottish commissioners, who were willing to sacrifice their friends in the upper house, for the benefit of a measure, which promised to put an end to the feuds and delays of the former system, and to remove from the army Cromwell, their most dangerous enemy. If it deprived them of the talents of Essex and Manchester, which they seem never to have prized, it gave them in exchange a commander-in-chief, whose merit they had learned to appreciate during his service in conjunction with their forces at the siege of York. By the "new model" it was proposed, that the army should consist of 1000 dragoons, 6600 cavalry in six, and 14,400 infantry in twelve regiments, under sir Thomas Fairfax, as the first, and major-general Skippon, as the second in command. The lords hesitated: but after several conferences and debates they returned it with a few amendments to the commons, and it was published by sound of drum in London and Westminster.†

Feb. 15. This victory was followed by another. Many of the peers still clung to the notion, that it was intended to abolish their privileges. They resolved not to sink without a struggle: they insisted that the new army should take the covenant, and subscribe to the directory for public worship; they refused their approbation to more than one half of the officers

* Journals, Dec. 9. 17. Jan. 7. 10. 13. Lords' Journals, 129. 131, 4. 5. Rushworth, vi. 3—7.

† Journals, Jan. 9. 13. 25. 27. Feb. 11. 15. Of Lords, 159. 175. 169. 193. 5. 204. Clarendon, ii. 569.

named by sir Thomas Fairfax; and they rejected the additional powers offered by the commons to that general. On these subjects the divisions in the house were nearly equal, and whenever the opposite party obtained the majority, it was by the aid of a single proxy, or of the clamours of the mob.

At length a declaration was made by the commons, that "they held themselves obliged to pre-serve the peerage with the rights and privileges belonging to the house of peers equally as their own, and would really perform the same." Relieved from their fears, the lords yielded to a power which they knew not how to control; the different bills, and among them the self-denying ordinance, were passed; and every member of either house was discharged from all civil and military offices after the expiration of forty days.*

March 25.

April 3.

Hitherto I have endeavoured to preserve unbroken the chain of military and political events: it is now time to call the attention of the reader to the ecclesiastical occurrences of the two last years.

Ecclesiastical occurrences.

1. As religion was acknowledged to be the first of duties, to put down popery and idolatry, and to purge the church from superstition and corruption, had always been held out by the parliament as its grand and most important object. It was this which, in the estimation of many of the combatants, gave the chief interest to the quarrel; this which made it, according to the language of the time, "a wrestle between Christ and anti-christ." 1. Every good protestant had been educated in the deepest horror of popery: there was a magic in the very word, which awakened the prejudices, and inflamed the passions of men; and the reader must have observed with what art and perseverance the patriot leaders employed it to confirm the attachment, and quicken the efforts of their followers. Scarcely a day occurred in which some order or ordinance, local or general, was not issued by the two houses: and very few of these, even on the most indifferent subjects, were permitted to pass without the assertion, that the war had been originally provoked and was still continued by the papists, for the sole purpose of the establishment of popery on the ruins of protestantism. The constant repetition acted on the minds of the people as a sufficient proof of the charge: and the denials, the protestations, the appeals to heaven, made by the king, were disregarded, and condemned as unworthy arti-

Persecution of the catholics.

* Journals, Feb. 25. March 21. Of Lords, 287. 303.

fices, adopted to deceive the credulous and unwary. Under such circumstances the catholics found themselves exposed to insult and persecution wherever the influence of the parliament extended: for protection they were compelled to flee to the quarters of the royalists, and to fight under their banners; and this again confirmed the prejudice against them, and exposed them to additional obloquy and punishment.

But the chiefs of the patriots; while for political purposes they pointed the hatred of their followers against the catholics, appear not to have delighted unnecessarily in blood. They ordered, indeed, searches to be made for catholic clergymen; they offered and paid rewards for their apprehension, and they occasionally gratified the zealots with the spectacle of an execution. The priests who suffered death in the course of the war, amounted on an average to three for each year, a small number, if we consider the agitated state of the public mind during that period.* But it was the property of the lay catholics which they chiefly sought, pretending that; as the war had been caused by their intrigues, its expenses ought to be defrayed by their forfeitures. It was ordained that two-thirds of the whole estate, both real and personal, of every papist, should be seized, and sold for the benefit of the nation: and that by the name of papist should be understood all persons, who, within a certain period, had harboured any priest, or had been convicted of recusancy, or had attended at the celebration of mass, or had suffered their children to be educated in the catholic worship, or had refused to take the oath of abjuration; an oath lately devised, by which all the distinguishing tenets of the catholic religion were specifically renounced.†

II. Another and still more important object was the destruction of the establishment, a consummation most devoutly wished by the saints, by all who objected to the ceremonies in the liturgy, or had been scandalized by the pomp of the prelates, or had smarted under the inflictions of their zeal for the preservation

* Journals, vi. 133. 254. See their Memoirs in Challoner, ii. 209—319. In 1643, after a solemn fast, they ordered the five chaplains of the queen to be apprehended and sent to France, their native country, and the furniture of her chapel at Somerset house to be publicly burnt. The citizens were so edified with the sight, that they requested and obtained permission to destroy the gilt cross in Cheapside. The lord mayor and aldermen graced the ceremony with their presence, and “antichrist” was thrown into the flames, while the bells of St. Peter’s rang a merry peal, the city waits played melodious tunes on the leads of the church, the train bands discharged volleys of musketry, and the spectators celebrated the triumph with acclamations of joy. Parl. Chron. 294. 327.

† Journals, Aug. 17. Elysng’s Collection of Ordinances, 22.

of orthodoxy. It must be confessed that these prelates, in the season of prosperity, had not borne their faculties with meekness: that the frequency of prosecution in the ecclesiastical courts had produced irritation and hatred; and that punishments had been often awarded, rigorous beyond the measure of the offence. But the day of retribution arrived. Episcopacy was abolished: an impeachment, suspended over the heads of most of the bishops, kept them in a state of constant apprehension; and the inferior clergy, wherever the parliamentary arms prevailed, suffered all those severities which had been formerly inflicted on their dissenting brethren. Their enemies accused them of immorality or malignancy; and the two houses invariably sequestered their livings, and assigned the profits to other ministers, whose sentiments accorded better with the new standard of orthodoxy and patriotism admitted at Westminster.

The same was the fate of the ecclesiastics in the two universities. These seminaries had early become objects of jealousy and vengeance to the patriots: they had for more than a century inculcated the doctrine of passive obedience, and since the commencement of the war had more than once advanced considerable sums to the king. Oxford, indeed, enjoyed a temporary exemption from their control; but Cambridge was already in their power, and a succession of feuds between the students and the townsmen afforded a decent pretext for their interference. Soldiers were quartered in the colleges; the painted windows and ornaments of the churches were demolished; and the persons of the inmates were subjected to insults and injuries. In January, 1644, an ordinance passed for the reform of the university: and it was perhaps fortunate that

1664.
Jan. 22.

the ungracious task devolved in the first instance on the military commander, the earl of Manchester, who, to a taste for literature, added a gentleness of disposition averse from acts of severity. Under his superintendence the university was "purified;" and ten heads of houses, with sixty-five fellows, were expelled. Manchester confined himself to those who, by their hostility to the parliament, had rendered themselves conspicuous, or through fear had already abandoned their stations: but after his departure the meritorious undertaking was resumed by a committee, and the number of expulsions was carried to two hundred.* Thus the establishment gradually crumbled away: part after part was detached from the

* Journals of Lords, vi. 389. Of Commons, Jan. 20, 1644. Neal, i. iii. c. 3. Walker, i. 112. Querela Cantab. In Merc. Rust. 178—210.

edifice; and the reformers hastened to raise what they deemed a more scriptural fabric on the ruins. In the month of June, 1643, one hundred and twenty individuals, selected by the lords and commons, under the denomination of pious, godly, and judicious divines, were summoned to meet at Westminster: and, that their union might bear a more correct resemblance to the assembly of the Scottish kirk, thirty laymen, ten lords, and twenty commoners, were voted as additional members. The two houses prescribed the form of the meetings and the subject of the debates: they enjoined an oath to be taken at admission, and the obligation of secrecy till each question should be determined; and they ordained that every decision should be laid before themselves, and considered of no force until it had been confirmed by their approbation.*

Synod of divines.
Presbyterians and independents.

Of the divines summoned, a portion was composed of episcopalians; and these, through motives of conscience or loyalty, refused to attend: the majority consisted of puritan ministers, anxious to establish the calvinistic discipline and doctrine of the foreign reformed churches: and to these was opposed a small but formidable band of independent clergymen, who, under the persecution of archbishop Laud, had formed congregations in Holland, but had taken the present opportunity to return from exile, and preach the gospel in their native country. The point at issue between these two parties was one of the first importance, involving in its result the great question of liberty of conscience. The presbyterians sought to introduce a gradation of spiritual authorities in presbyteries, classes, synods, and assemblies, giving to these several judicatories the power of the keys, that is, of censuring, suspending, depriving, and excommunicating delinquents. They maintained, that such a power was essential to the church; that to deny it, was to rend into fragments the seamless coat of Christ, to encourage disunion and schism, and to open the door to every species of theological war. On the other hand, their adversaries contended that all congregations of worshippers were co-ordinate and independent; that synods might advise, but could not command; that multiplicity of sects must necessarily result from the variableness of the human judgment, and the obligation of worshipping God according to the dictates of conscience; and that religious toleration was the birthright of every human being, whatever

* Journals, vi. 114. 254. Commons, 1643. May 13. June 16. July 6. Sept. 14. Rush. v. 337. 339.

were his speculative creed or the form of worship which he preferred.*

The weight of number and influence was in favour of the presbyterians. They possessed an overwhelming majority in the assembly; the senate, the city, and the army; the solemn league and covenant had enlisted the whole Scottish nation in their cause; and the zeal of the commissioners from the kirk, who had also seats in the assembly, gave a new stimulus to the efforts of their English brethren. The independents, on the contrary, were few, and could only compensate the paucity of their number by the energy and talents of their leaders. They never exceeded a dozen in the assembly; but these were veteran disputants, eager, fearless, and persevering, whose attachment to their favourite doctrines had been rivetted by the persecution and exile, and who had not escaped from the intolerance of one church to submit tamely to the control of another. In the house of commons they could command the aid of several among the master spirits of the age, of Cromwell, Selden, St. John, Vane, and Whitelock; in the capital some of the most wealthy citizens professed themselves their disciples, and in the army their power rapidly increased by the daily accession of the most godly and fanatic of the soldiers. The very nature of the contest between the king and the parliament was calculated to predispose the mind in favour of their principles. It taught men to distrust the claims of authority, to exercise their own judgment on matters of the highest interest, and to spurn the fetters of intellectual as well as of political thralldom. In a short time the independents were joined by the antinomians, anabaptists, millenarians, erastians, and the members of many ephemeral sects, whose very names are now forgotten. All had one common interest: freedom of conscience formed the chain which bound them together.†

In the assembly each party watched with jealousy, and opposed with warmth, the proceedings of the other. On a few questions they proved unanimous. The appointment of days of humiliation and prayer, the suppression of public and scandalous sins, the prohibition of copes and surplices, the removal of organs from the churches, and the mutilation or demolition of monuments deemed superstitious or idolatrous, were matters equally congenial to their feelings, and equally gratifying to their zeal

Demand of
toleration.

New
directory.

* Baillie, i. 420. 431. ii. 15. 24. 37. 43. 61.

† Baillie, 398. 408. ii. 3. 19. 43. Whitelock, 169, 170.

or fanaticism.* But when they came to the more important subject of church government, the opposition between them grew fierce and obstinate: day after day, week after week, was consumed in unavailing debates. The kirk of Scotland remonstrated, the house of commons admonished in vain; and for more than a year the perseverance of the independents held in check the ardour and influence of their more numerous adversaries. Overpowered at last by open force, they had recourse to stratagem; and to distract the attention of the presbyterians, tendered to the assembly a plea for indulgence to tender consciences, while their associate, Cromwell, obtained from the lower house an order, that the same subject should be referred to a committee, formed of lords, and commoners, and Scottish commissioners, and deputies from the assembly. Thus a new apple of discord was thrown among the combatants. The lords Say and Wharton, sir Henry Vane, and Mr. St. John, contended warmly in favour of toleration: they were as warmly opposed by the "divine eloquence of the chancellor" of Scotland, the commissioners from the kirk, and several eminent members of the English parliament. The passions and artifices of the contending parties interposed additional delays, and the year 1644 closed before this interesting controversy could be brought to a conclusion.† Eighteen months had elapsed since the assembly was first convened, and yet it had accomplished nothing of importance, except the composition of a directory for the public worship, regulating the order of the service, the administration of the sacraments, the ceremony of marriage, the visitation of the sick, and the burial of the dead. On all these subjects the Scots endeavoured to introduce the practice of their own kirk: but the pride of the English demanded alterations: and both parties consented to a sort of compromise, which carefully avoided every approach to the form of a liturgy; and, while it suggested heads for the sermon and prayer, left much of the matter, and the whole of the manner, to the talents or the inspiration of the minister. In England the book of common prayer was abolished, and the directory substituted in its place, by an ordinance of the two houses: in Scotland the latter was commanded to be observed, in all churches by the joint authority of the assembly and the parliament.‡

* Journals, 1643. July 5, 1644. Jan. 16. 29. May 9. Journals of Lords, vi. 200. 507. 546. Baillie, i. 421. ii. 71. Rushw. v. 358. 749.

† Baillie, ii. 57. 61, 62. 66—68. Journals, Sept. 13. Jan. 24. Of Lords, 70.

‡ Baillie, i. 408. 413. 440. ii. 27. 31. 33. 36. 73, 4, 5. Rushw. v. 785.

To the downfall of the liturgy succeeded a new spectacle, the decapitation of an archbishop. The name of Laud, during the first fifteen months after his impeachment, had scarcely been mentioned; and his friends began to cherish a hope that amidst the din of arms, the old man might be forgotten, or suffered to descend peaceably into the grave. But his death was unintentionally occasioned by the indiscretion of one, whose wish and whose duty it was to preserve the life of the prelate. The lords had ordered the latter to collate the vacant benefices in his gift, on persons nominated by themselves, and the king had forbidden him to obey. The death of the rector of Chartham, in Kent, brought his constancy to the test. The lords named one person to the living, Charles another: and the archbishop, to extricate himself from the dilemma, sought to defer his decision till the right should have lapsed to the crown; but the lords made a peremptory order; and when he attempted to excuse his disobedience, sent a message to the commons to expedite his trial. Perhaps they meant only to intimidate; but his enemies seized the opportunity; a committee was appointed, and the task of collecting and preparing evidence was committed to Prynne, whose tyger-like revenge still thirsted for the blood of his former persecutor.* He carried off from the cell of the prisoner his papers, his diary, and even his written defence; he sought in every quarter for those who had formerly been prosecuted or punished at the instance of the archbishop, and he called on all men to discharge their duty to God and their country, by deposing to the crimes of him who was the common enemy of both.

Trial of
archbishop
Laud.

1643.
Feb. 3.

April 21.

May 31.

At the termination of six months the committee had been able to add ten new articles of impeachment to the fourteen already presented: four months later, both parties were ready to proceed to trial, and on the 12th of March, 1664, more than three years after his commitment, the archbishop confronted his prosecutors at the bar of the house of lords.

Oct. 23.
1644.
March 4.

I shall not attempt to conduct the reader through the mazes of this long and wearisome process, which occupied twenty-one days in the course of six months. The many articles presented by the

His de-
fence.

Journals, Sep. 24. Nov. 26. Jan. 1. 4. Mar. 5. Journals of Lords, 119. 121. See "Confessions of Faith, &c. in the church of Scotland," 159—194.

* Laud's History written by Himself in the Tower, 200—206.

commons might be reduced to three,—that Laud had endeavoured to subvert the rights of parliament, the laws, and the religion of the nation. In support of these, every instance that could be raked together by the industry and ingenuity of Prynne, was brought forward. The familiar discourse, and the secret writings of the prelate, had been scrutinized; and his conduct both private and public, as a bishop and a counsellor, in the star-chamber and the high commission court, had been subjected to the most severe investigation. Under every disadvantage, he defended himself with spirit, and often with success. He showed that many of the witnesses were his personal enemies, or undeserving of credit: that his words and writings would bear a less offensive and more probable interpretation; and that most of the facts objected to him were either the acts of his officers, who alone ought to be

responsible, or the common decision of those
Oct. 11. boards of which he was only a single member.*

Thus far he had conducted his defence without legal aid: the lords allowed him counsel to speak to matters of law. They contended that not one of the offences alleged against him amounted to high treason; that their number could not change their quality; that an endeavour to subvert the law, or religion, or the rights of parliament, was not treason by any statute; and that the description of an offence so vague and indeterminate ought never to be admitted; otherwise the slightest transgression might, under that denomination, be converted into the highest crime known to the law.†

But the commons, whether they distrusted the patriotism of the lords, or doubted the legal guilt of the prisoner, had already resolved to proceed by attainder. After the second reading of the ordinance, they

sent for the venerable prisoner to their bar, and
Nov. 2. ordered Brown, one of the managers, to recapitulate in his hearing the evidence against him, together with his answers. Some days later he

was recalled, and suffered to speak in his own defence. After his departure, Brown made a long
Nov. 11. reply; and the house, without further consideration, passed the bill of attainder, and adjudged

him to suffer the penalties of treason.‡ The
Nov. 13.

* Compare his own daily account of his trial in history, 220—421. with that part published by Prynne, under the title of *Canterburies doome*, 1646, and Rushworth, v. 772.

† See it in Laud's history, 423.

‡ Journals, Oct. 31. Nov. 2. 11. 16. Laud's History, 432—440. Rushworth, v. 780.

reader will not fail to observe this flagrant perversion of the forms of justice. It was not as in the case of the earl of Strafford. The commons had not been present at the trial of Laud; they had not heard the evidence, they had not even read the depositions of the witnesses; they pronounced judgment on the credit of the unsworn and partial statement made by their own advocate. Such a proceeding, so subversive of right and equity, would have been highly reprehensible in any court or class of men: it deserved the severest reprobation in that house, the members of which professed themselves the champions of freedom, and were actually in arms against the sovereign, to preserve, as they maintained, the laws, the rights, and the liberties of the nation.

To quicken the tardy proceedings of the peers, the enemies of the archbishop had recourse to their usual expedients. Their emissaries lamented the delay in the punishment of delinquents, and the want of unanimity between the two houses. It was artfully suggested as a remedy, that both the lords and commons ought to sit and vote together in one assembly; and a petition, embodying these different subjects, was prepared and circulated for signatures through the city. Such manœuvres aroused the spirit of the peers. They threatened to punish all disturbers of the peace; they replied with dignity to an insulting message from the commons, and regardless of the clamours of the populace, they spent several days in comparing the proofs of the managers with the defence of the archbishop. At last, in a house of fourteen members, the majority pronounced him guilty of certain acts, but left it to the judges to determine the quality of the offence. Their answer was warily expressed, that nothing of which he had been convicted, was treason by the statute law; and of the law of parliament, the house alone was the proper judge. In these circumstances the lords informed the commons, that till their consciences were satisfied, they should "scruple" to pass the bill of attainder.*

Consent of
the lords.

Nov. 28.

Dec. 17.

Dec. 23.

It was the eve of Christmas, and to prove that the nation had thrown off the yoke of superstition, the festival was converted, by ordinance of the two houses, into a day of "fasting and public humiliation."† There was much policy in the

* Journals, vii. 76. 100. 111.

† Journals, 106. In the preceding year, the Scottish commissioners had "preached stoutly against the superstition of Christmas;" but only succeeded in prevailing on the two houses "to profane that holyday by sitting on it, to their great joy, and some of the assembly's shame." Baillie, i. 411.

frequent repetition of these devotional observances. The ministers having previously received instructions from the leading patriots, adapted their prayers and sermons to the circumstances of the time, and never failed to add a new stimulus to the fanaticism of their hearers. On the present occasion the crimes of the archbishop offered a tempting theme to their eloquence; and the next morning the commons, taking into consideration the last message, intrusted to a committee the task of enlightening the ignorance

Dec. 26. of the lords. In a conference the latter were told that treasons are of two kinds; treasons against the king, created by statute, and cognizable by the inferior courts; and treasons against the realm, held so at common law, and subject only to the judgment of parliament: there could not be a doubt that the offence of Laud was treason of the second class: nor would the two houses perform their duty, if they did not visit it with the punishment which it deserved. When the question was resumed, several of the lords withdrew; most of the others were willing to be persuaded by the reasoning of the commons; and the ordinance of attainder was passed by the majority, consisting only, if the report be correct, of six mem-

Jan. 2. bers.*

Jan. 4. Execution. 1645. Jan. 10. The archbishop submitted with resignation to his fate, and appeared on the scaffold with a serenity of countenance and dignity of behaviour, which did honour to the cause for which he suffered. The cruel punishment of treason had been, after some objections, commuted for decapitation, and the dead body was delivered for interment to his friends.† On Charles the melancholy intelligence made a deep impression: yet he contrived to draw from it a new source of consolation. He had sinned equally with his opponents in consenting to the death of Strafford, and had experienced equally with them the just

* Journals, 125, 126. Commons, Dec. 26. Laud's Troubles, 452. Rushworth, v. 781—5. Cyprianus Aug. 528. From the journals it appears that twenty lords were in the house during the day; but we are told in the "Brief relation" printed in the second collection of Somers' Tracts, ii. 287, that the majority consisted of the earls of Kent, Pembroke, Salisbury, and Bolingbroke, and the lords North, Gray de Warke, and Bruce. Bruce afterwards denied that he had voted.

† Several executions had preceded that of the archbishop. Macmahon, concerned in the design to surprise the castle of Dublin, suffered Nov. 22, Sir Alexander Carew, who had engaged to surrender Plymouth to the king, on Dec. 23, and Sir John Hotham and his son, who, concealing themselves ill-treated by the parliament, had entered into a treaty for the surrender of Hull, on the first and second of January. Lord Macguire followed on Feb. 20.

vengeance of heaven. But he was innocent of the blood of Laud: the whole guilt was exclusively theirs; nor could he doubt that the punishment would speedily follow in the depression of their party, and the exaltation of the throne.*

The very enemies of the unfortunate archbishop admitted that he was learned and pious, attentive to his duties, and unexceptionable in his morals: on the other hand, his friends could not deny that he was hasty and vindictive, positive in his opinions, and inexorable in his enmities. To excuse his participation in the arbitrary measures of the council, and his concurrence in the severe decrees of the star-chamber, he alleged, that he was only one among many; and that it was cruel to visit on the head of a single victim the common faults of the whole board. But it was replied, with great appearance of truth, that, though only one, he was the chief; that his authority and influence swayed the opinions both of his sovereign and his colleagues; and that he must not expect to escape the just reward of his crimes, because he had possessed the ingenuity to make others his associates in guilt. Yet I am of opinion that it was religious, and not political rancour, which led him to the block: Could the zealots have forgiven his conduct as archbishop, he might have lingered out the remainder of his life in the tower. There was, however, little difference in this respect between them and their victim. Both were equally obstinate, equally infallible, equally intolerant. As long as Laud ruled in the zenith of his power, deprivation awaited the non-conforming minister, and imprisonment, fine, and the pillory were the certain lot of the writer, who dared to lash the real or imaginary vices of the prelacy. His opponents were now become lords of the ascendant, and they exercised their sway with similar severity on the orthodox clergy of the establishment, and on all who dared to arraign before the public the new reformation of religion. Surely the consciousness of the like intolerance might have taught them to look with a more indulgent eye on the past errors of their fallen adversary, and to spare the life of a feeble old man bending under the weight of seventy-two years, and disabled by his misfortunes from offering opposition to their will, or affording aid to their enemies.†

* See his letter to the queen, Jan. 14th, in his works, 145.

† I have not noticed the charge of endeavouring to introduce popery. It was certainly shown that he wished to retain several religious ceremonies which had been consecrated in his estimation by the practice of christian antiquity: in every other respect both his conduct and his writings completely disprove the imputation.

CHAP. IV.

CHARLES I.

TREATY AT UXBRIDGE—VICTORIES OF MONTROSE IN SCOTLAND—
 DEFEAT OF THE KING AT NASEBY—SURRENDER OF BRISTOL—
 CHARLES SHUT UP WITHIN OXFORD—MISSION OF GLAMORGAN TO
 IRELAND—HE IS DISAVOWED BY CHARLES, BUT CONCLUDES A
 PEACE WITH THE IRISH—THE KING INTRIGUES WITH THE PAR-
 LIAMENT, THE SCOTS, AND THE INDEPENDENTS—HE ESCAPES TO
 THE SCOTTISH ARMY—REFUSES THE CONCESSIONS REQUIRED—
 IS DELIVERED UP BY THE SCOTS.

WHENEVER men spontaneously risk their lives
 and fortunes in the support of a particular cause,
 Dissentions at court. they are wont to set a high value on their ser-
 vices, and generally assume the right of express-
 ing their opinions and of interfering with their advice. Hence
 it happened that the dissentions and animosities in the court
 and army of the unfortunate monarch were scarcely less vio-
 lent or less dangerous than those which divided the parlia-
 mentary leaders. All thought themselves entitled to offices
 and honours from the gratitude of the sovereign: no appoint-
 ment could be made which did not deceive the expectations
 and excite the murmurs of numerous competitors; and com-
 plaints were every where heard, cabals were formed, and the
 wisest plans were frequently controlled and defeated, by men
 who thought themselves neglected or aggrieved. When
 Charles, as one obvious remedy, removed the lord Wilmot
 from the command of the cavalry, and the lord Percy from
 that of the ordnance, he found that he had only aggravated
 the evil; and the dissatisfaction of the army was further in-
 creased by the substitution of his nephew prince Rupert,
 whose severe and imperious temper had earned him the ge-

neral hatred, in the place of Ruthen, who on account of his infirmities, had been advised to retire.*

Another source of most acrimonious controversy was furnished by the important question of peace or war, which formed a daily subject of debate in every company, and divided the royalists into several factions. Some there were (few indeed in number, and chiefly those whom the two houses by their votes had excluded from all hopes of pardon,) who contended that the king ought never to lay down his arms, till victory should enable him to give the law to his enemies; but the rest, wearied out with the fatigues and dangers of war, and alarmed by the present sequestration of their estates, and the ruin which menaced their families, most anxiously longed for the restoration of peace. These, however, split into two parties; one which left the conditions to the wisdom of the monarch; the other which not only advised, but occasionally talked of compelling a reconciliation on almost any terms, pretending that, if once the king were re-seated on his throne, he must quickly recover every prerogative which he might have lost. As for Charles himself, he had already suffered too much by the war, and saw too gloomy a prospect before him, to be indifferent to the subject: but, though he was now prepared to make sacrifices, from which but two years before he would have recoiled with horror, he had still resolved never to subscribe to conditions irreconcilable with his honour and conscience; and in this temper of mind he was confirmed by the frequent letters of Henrietta from Paris, who reminded him of the infamy which he would entail on himself, were he, as he was daily advised, to betray to the vengeance of the parliament the protestant bishops, and catholic royalists, who, trusting to his word, had ventured their all for his interest.† He had now assembled his

* Clarendon, ii. 482. 513. 554.

† This is the inference which I have drawn from a careful perusal of the correspondence between Charles and the queen in his works, p. 142—150. Some writers have come to a different conclusion: that he was insincere, and under the pretence of seeking peace, was in reality determined to continue the war. That he prepared for the resumption of hostilities is indeed true: but the reason which he gives to the queen is satisfactory, “the improbability that this present treaty should produce a peace, considering the great strange difference (if not contrariety) of grounds that are betwixt the rebels’ propositions and mine, and that I cannot alter mine, nor will they ever theirs, until they be out of the hope to prevail by force.” p. 146. Nor do I see any proof that Charles was governed, as is pretended, by the queen. He certainly took his resolutions without consulting her, and, if she sometimes expressed her opinion respecting them, it was no more than any other woman in a similar situation would have done. “I have nothing to say, but that you have a care of your honour: and that if

parliament for the second time: but the attendance of the members was thin, and the inconvenience greater than the benefit. Motions were made ungrateful to the feelings, and opposed to the real views of the king, who, to free himself from the more obtrusive and importunate of these advisers, sent them into honourable exile, by appointing them to give their attendance on his queen during her residence in France.*

Proposal
of treaty.

In the last summer the first use which he had made of each successive advantage, was to renew the offer of opening a negotiation for peace. It convinced the army of the pacific disposition of their sovereign, and it threw on the parliament, even among their own adherents, the blame of continuing the war. At length, after the third message, the houses gave a tardy and reluctant consent; but it was not before they had received from Scotland the propositions formerly voted as the only basis of a lasting reconciliation, had approved of the amendments suggested by their allies, and had filled up the blanks with the specification of the acts of parliament to be passed, and with the names of the royalists to be excepted from the amnesty. It was plain to every intelligent man in either army that to lay such a foundation of peace was in reality to proclaim perpetual hostilities:† but the king, by the advice of his council, consented to make it the subject of a treaty for two ends, to discover whether it was the resolution of the houses to adhere without any modification to these high pretensions, and to make the experiment, whether it were not possible to gain one of the two factions, the presbyterians or the independents, or at least to widen the breach between them by furnishing new causes of dissension.‡

you have a peace, it may be such as may hold; and if it fall out otherwise, that you do not abandon those who have served you, for fear they do forsake you in your need. Also I do not see how you can be in safety without a regiment of guard: for myself, I think I cannot be, seeing the malice which they have against me and my religion, of which I hope you will have a care of both. But in my opinion, religion should be the last thing upon which you should treat: for if you do agree upon strictness against the catholics, it would discourage them to serve you; and if afterwards there should be no peace, you could never expect succours either from Ireland, or any other catholic prince, for they would believe you would abandon them after you have served yourself." p. 142, 143.

* See the letter in Charles's works, 142—148. "I may fairly expect to be chidden by thee for having suffered thee to be vexed by them, (Wilmot being already there, Percy on his way, and Sussex within a few days of taking his journey,) but that I know thou carest not for a little trouble to free me from great inconvenience." Ibid. 150.

† Journals, vii. 53. The very authors of the propositions did not expect that the king would ever submit to them. Baillie, ii. 8. 43. 73.

‡ Charles was now persuaded even to address the two houses by the style

At Uxbridge, within the parliamentary quarters, the commissioners from the two parties met each other. Those from the parliament had been commanded to admit of no deviation from the substance of the propositions already voted: to confine themselves to the task of showing that their demands were conformable to reason, and therefore not to be refused; and to insist that the questions of religion, the militia, and Ireland, should each be successively debated during the term of three days, and continued in rotation till twenty days had expired; when, if no agreement were made, the treaty should terminate. They demanded that episcopacy should be abolished, and the directory be substituted in place of the book of common prayer, that the command of the army and navy should be vested in the two houses, and intrusted by them to certain commissioners of their own appointment, and that the cessation in Ireland should be broken, and hostilities should be immediately renewed. The king's commissioners replied, that his conscience would not allow him to consent to the proposed change of religious worship, but that he was willing to consent to a law restricting the jurisdiction of the bishops within the narrowest bounds, granting every reasonable indulgence to tender consciences, and raising on the church property the sum of £100,000 towards the liquidation of the public debts: that on the subject of the army and navy he was prepared to make considerable concessions, provided the power of the sword were, after a certain period, to revert, unimpaired, to him and his successors; and that he could not, consistently with his honour, break the Irish treaty, which he had after mature deliberation subscribed and ratified. Much of the time was spent in debates respecting the comparative merits of the episcopal and presbyterian forms of church government, and in charges and recriminations as to the real authors of the distress and necessity which had led to the cessation in Ireland. On the twentieth day nothing had been concluded. A proposal to prolong the negotiation was rejected by the two houses, and the commissioners returned to London and Oxford. The royalists had, however, discovered that Vane, St. John, and Prideaux had come to Uxbridge not so much to treat, as to act the part of spies on the conduct of their colleagues: and that

Negocia-
tion at
Uxbridge.
1645.
Jan. 30.

Feb. 22.

of "the lords and commons assembled in the parliament of England at Westminster," instead of "the lords and commons of parliament assembled at Westminster," which he had formerly used. *Journals*, vii. 91. He says he would not have done it, if he could have found two in the council to support him. *Works*, 144. *Evelyn's mem.* ii. App. 90.

there existed an irreconcilable difference of opinion between the two parties, the presbyterians seeking the restoration of royalty, provided it could be accomplished with perfect safety to themselves, and with the legal establishment of their religious worship, while the independents sought nothing less than the total downfall of the throne, and the extinction of the privileges of the nobility.*

Demands
of Irish
catholics.

Both parties again appealed to the sword, but with very different prospects before them; on the side of the royalists all was lowering and gloomy, on that of the parliament bright and cheering. The king had derived but little of that benefit which he expected from the cessation in Ireland. He dared not withdraw the bulk of his army before he had concluded a peace with the insurgents: and they, aware of his difficulties, combined their demands, which he knew not how to grant, with an offer of aid which he was unwilling to refuse. They demanded freedom of religion, the repeal of Poyning's law, a parliamentary settlement of their estates, and a general amnesty, with this exception, that an inquiry should be instituted into all acts of violence and bloodshed not consistent with the acknowledged usages of war, and that the perpetrators should be punished according to their deserts, without distinction of party or religion. It was the first article which presented the chief difficulty. The Irish urged the precedent of Scotland: they asked no more than had been conceded to the covenanters; they had certainly as just a claim to the free exercise of that worship, which had been the national worship for ages, as the Scots could have to the exclusive establishment of a form of religion, which had not existed during an entire century. But Charles, in addition to his own scruples, feared to irritate the prejudices of his protestant subjects. He knew that many of his own adherents would deem such a concession an act of apostacy; and he conjured the Irish deputies not to solicit that which must prove prejudicial to him, and therefore to themselves: let them previously enable him to master their common enemies: let them place him in a condition "to make them happy," and he assured them on the word of a king, that he would "not disappoint their just expectations."† They were not, however, to be satisfied with vague promises, which might afterwards be interpreted as it suited the royal convenience: and Charles, to throw the

* See Journals, vii. 163. 166. 169. 174. 181. 195. 211. 231. 239. 242—254. Clarendon, ii. 578—600.

† Clarendon, Irish rebellion, 25.

odium of the measure from himself on his Irish counsellors, transferred the negociation to Dublin, to be continued by the new lord lieutenant, the marquess of Ormond. That nobleman was at first left to his own discretion. He was then authorised to promise the non-execution of the penal laws for the present, and their repeal on the restoration of tranquillity; and, lastly, to stipulate for their immediate repeal, if he could not otherwise subdue the obstinacy, or remove the jealousy of the insurgents. The treaty at Uxbridge had disclosed to the eyes of the monarch the abyss which yawned before him: he saw "that the aim of his adversaries was a total subversion of religion and regal power," and he commanded Ormond to conclude the peace whatever it might cost, provided it should secure the persons and properties of the Irish protestants, and the full exercise of the royal authority in the island.*

In Scotland an unexpected but transient diversion had been made in favour of the royal cause. The earls, afterwards marquesses, of Antrim and Montrose, had met in the court at Oxford. In abilities Montrose was inferior to few, in ambition to none. He had originally fought in the ranks of the covenanters, but disdaining to be commanded by a subject, had transferred his services to Charles, and aspired to the glory of restoring the ascendancy of the royalists in Scotland. At first all his plans were defeated by the jealousy or wisdom of Hamilton: but Hamilton gradually sunk, and Montrose rose in proportion in the esteem of his sovereign.† Antrim, his associate, was

Victories of
Montrose
in Scotland.

* Carte's Ormond, ii. App. xii. xiv. xv. xviii. iii. cccxxxi. He thus states his reasons to the lord lieutenant. "It being now manifest that the English rebels have, as far as in them lies, given the command of Ireland to the Scots (they had made Lesley, earl of Leven, commander-in-chief of all the English as well as Scottish forces in Ireland) that their aim is the total subversion of religion and regal power, and that nothing less will content them, or purchase peace here; I think myself bound in conscience not to let slip the means of settling that kingdom (if it may be) fully under my obedience, nor lose that assistance which I may hope from my Irish subjects, for such scruples as in a less pressing condition might reasonably be stuck at by me. . . . If the suspension of Poining's act for such bills as shall be agreed upon between you there, and the present taking away of the penal laws against papists by a law, will do it, I shall not think it a hard bargain, so that freely and vigorously they engage themselves in my assistance, against my rebels of England and Scotland, for which no conditions can be too hard, not being against conscience or honour." Charles's Works, 149, 150.

† See the charges against Hamilton, and his answers in Burnet's memoirs, p. 250. It had been observed that he always contrived to be on good terms with the Scottish patriots, which cast such doubt on his fidelity that Charles ordered him to be arrested on his arrival at Oxford, Dec. 16,

weak and capricious, but proud of his imaginary consequence, and eager to engage in undertakings to which neither his means nor his talents were equal. He had failed in his original attempt to surprise the castle of Dublin; and had twice fallen into the hands of the Scots in Ulster, and twice made his escape: still his loyalty or presumption was unsubdued, and he had come to Oxford to make a third tender of his services. Both Antrim and Montrose professed themselves the personal enemies of the earl of Argyle, appointed by the Scottish estates lieutenant of the kingdom: and they speedily arranged a plan, which possessed the double merit of combining the interest of the king with the gratification of private revenge. Having obtained the royal commission,* Antrim proceeded to Ulster, raised

1644.

July 8.

eleven or fifteen hundred men among his dependents, and despatched them to the opposite coast of Scotland, under the command of his kinsman sir Alaster M'Donald. Montrose, who in disguise and with two attendants had reached the foot of the Grampian hills, instructed the strangers to meet him in Athol, where he unfurled the royal standard, published his commission for the king, and summoned the highland clans to his aid. To the astonishment of the covenanters an army appeared to rise out of the earth in a quarter the most remote from danger: but it was an army better adapted to the purpose of predatory invasion than of permanent warfare. Occasionally it swelled to the amount of several thousands: as often it dwindled to the original band of Irishmen under M'Donald. These, having no other resource than their courage, faithfully clung to their gallant commander in all the vicissitudes of his fortune: the highlanders, that they might secure their plunder, frequently left him to flee before the superior multitude of his foes.

The first who dared to meet the royalists in the field, was the lord Elcho, whose defeat at Tippermuir gave to the victors the town of Perth, with a plentiful supply of military stores and provisions. From Perth they marched towards Aberdeen: the lord Burley with his army fled at the first charge; and the pursuers entered the gates with the fugitives. The citizens

Sept. 1.

Sept. 12.

1643, and to be confined in Pendennis castle in Cornwall. His brother Laneric was taken with him, but made his escape. Clarendon, ii. 458.

* He was authorized to treat with the confederate catholics for 10,000 men: if their demands were too high, to raise as many men as he could and send them to the king, to procure the loan of 2000 men to be landed in Scotland, and to offer Monroe, the Scottish commander, the rank of earl and a pension of £2000 per annum, if with his army he would join the royalists. Jan. 20, 1644. Clarendon papers, ii. 165.

had experienced the severity of Montrose, when he fought for the covenant: they found that he was not less vindictive now that he commanded for the crown. The pillage continued four days; the highlanders disappeared with the spoil; and Argyle approached with a superior force. Montrose, followed by the enemy, led his Irishmen into Bamff, proceeded along the right bank of the Spey, crossed the mountains of Badenoch, marched through Athol into Angus, faced the Scots at Faivy castle, and suddenly retraced his steps into the north. Argyle, fatigued with this obstinate and fruitless pursuit, retired to his castle of Inverrera, where he reposed in security amidst mountains deemed impassable to an army. But neither the obstacles of nature, nor the inclemency of the season, could arrest the impetuosity of Montrose. He penetrated through defiles choked up with snow, compelled his enemy to save himself in an open boat on the sea, and spent seven weeks in wreaking his revenge on the domains and the clansmen of the fugitive. Shame and passion brought Argyle again into the field. He overtook the plunderers at Innerlochy, in Lochabar; but afraid of the prowess of Montrose, refused to mingle in the fight, and from a boat in the midst of the lake viewed the advance of the enemy, the shock of the combatants, and the discomfiture of his men. The conquerors now bent their march to the south, and Dundee must have yielded to their repeated assaults, had not a more numerous army approached, formed of new levies intermixed with veterans from the Scottish forces in England and Ireland. Dundee was saved: and the royalists regained by rapid marches their fastnesses in the north. Such was the short and eventful campaign of Montrose. His victories, exaggerated by report, and embellished by the fancy of the hearers, cast a faint and deceitful lustre over the declining cause of royalty. But they rendered no other service. His passage was that of a meteor, scorching every thing in its course. Wherever he appeared, he inflicted the severest injuries: but he made no permanent conquest: he taught the covenanters to tremble at his name, but he did nothing to arrest that ruin which menaced the throne and its adherents.*

Dec. 13.

1645.
Feb. 2.

April 4.

* See Rushworth, v. 928—932. vi. 228. Guthry, 162—183. Baillic, ii. 64, 65. 92—95. Clarendon, ii. 606. 618. Wishart, 67. 110. Journals, vii. 566.

England, however, was the real arena on which the conflict was to be decided, and in England the king soon found himself unable to cope with his enemies. He still possessed about one-third of the kingdom. From Oxford he extended his sway almost without interruption to the extremity of Cornwall: north and south Wales, with the exception of the castles of Pembroke and Montgomery, acknowledged his authority; and the royal standard was still unfurled in several towns in the midland counties.* But his army, under the nominal command of the prince of Wales, and the real command of prince Rupert, was frittered away in a multitude of petty garrisons, and languished in a state of the most alarming insubordination. The generals, divided into factions, presumed to disobey the royal orders, and refused to serve under an adversary or a rival; the officers indulged in every kind of debauchery; the privates lived at free quarters; and the royal forces made themselves more terrible to their friends by their licentiousness, than to their enemies by their valour.† Their excesses provoked new associations in the counties of Wilts, Dorset, Devon, Somerset, and Worcester, known by the denomination of clubmen, whose primary object was the protection of private property, and the infliction of summary vengeance on the depredators belonging to either army. These associations were encouraged and organized by the neighbouring gentlemen: arms of every description were collected for their use; and they were known to assemble in numbers of four, six, and even ten thousand men. Confidence in their own strength, and the suggestions of their leaders, taught them to extend their views; they invited the adjoining counties to follow their example, and talked of putting an end by force to the unnatural war which depopulated the country. But though they professed the strictest neutrality between the contending parties, their meetings excited a well founded jealousy on the part of the parliamentary leaders; who, the moment it could be done without danger, pronounced such associations illegal, and ordered them to be suppressed by military force.‡

* Rushworth, vi. 18—22.

† Clarendon, ii. 604. 633. 636. 642. 661. 668. "Good men are so scandalized at the horrid impiety of our armies, that they will not believe that God can bless any cause in such hands." Lord Culpeper to Lord Digby, Clarendon papers, ii. 189. Carte's Ormond, iii. 396. 399.

‡ Clarendon, ii. 665. Whitelock, Mar. 4. 11. 15. Rushw. vi. 52, 53. 61, 62. But the best account of the clubmen is to be found in a letter from Fairfax to the committee of both kingdoms, preserved in the Journals of

On the other side the army of the parliament had been reformed according to the ordinance. The members of both houses had resigned their commissions, with the exception of a single individual, the very man with whom the measure had originated, lieutenant-general Cromwell. This by some writers has been alleged as a proof of the consummate art of that adventurer, who sought to remove out of his way the men that stood between him and the object of his ambition: but the truth is, that his continuation in the command was effected by a succession of events which he could not possibly have foreseen. He had been sent with Waller to oppose the progress of the royalists in the west: on his return he was ordered to prevent the junction of the royal cavalry with their forces under the king; and he then received a commission to protect the associated counties from insult. While he was employed in this service, the term appointed by the ordinance approached: but Fairfax expressed his unwillingness to part with so experienced an officer at such a crisis, and the two houses consented that he should remain forty days longer with the army. Before they expired, the great battle of Naseby had been fought; in consequence of the victory the ordinance was suspended three months in his favour, and ever afterwards the same indulgence was reiterated as often as it became necessary.*

The army
after the
new model.

It was evident that the army had lost nothing by the exclusion of members of parliament, and the change in its organization. The commanders were selected from those who had already distinguished themselves by the splendour of their services, and their devotion to the cause; the new regiments were formed of privates, who had served under Essex, Manchester, and Waller, and care was taken that the majority of both should consist of that class of religionists denominated

the Lords, vii. 184. They wore white ribands for a distinction, prevented as much as they were able, all hostilities between the soldiers of the opposite parties, and drew up two petitions in the same words, one to be presented to the king, the other to the parliament, praying them to conclude a peace, and in the mean time to withdraw their respective garrisons out of the country, and pledging themselves to keep possession of the several forts and castles, and not to surrender them without a joint commission from both king and parliament. Fairfax observes, that "their heads had either been in actual service in the king's army, or were known favourers of the party. In these two counties, Wilts and Dorset, they are abundantly more affected to the enemy than to the parliament. I know not what they may attempt." Ibid. At length the two houses declared all persons associating in arms without authority, traitors to the commonwealth. Journals, vii. 549.

* Journals, Feb. 27. May 10. June 16. Aug. 8. Lords' Journals, vii. 420. 535.

independents. These men were animated with an enthusiasm, of which at the present day we cannot form an adequate conception. They divided their time between military duties and prayer: they sung psalms as they advanced to the charge: they called on the name of the Lord, while they were slaying their enemies. The result showed that fanaticism furnished a more powerful stimulus than loyalty: the soldiers of God proved more than a match for the soldiers of the king.*

Charles was the first to take the field. He marched from Oxford at the head of ten thousand men, of whom more than one half were cavalry: the siege of Chester was raised at the sole report of his approach; and Leicester, an important post in possession of the parliament, was taken by storm on the first assault. Fairfax appeared with his army before Oxford, where he expected to be admitted by a party within the walls; but the intrigue failed; and he received orders to proceed in search of the king.† On the evening of the seventh day his van overtook the rear of the royalists between Daventry and Harborough. Fairfax and his officers hailed with joy the prospect of a battle. They longed to refute the bitter taunts and sinister predictions of their opponents in the two houses; to prove that want of experience might be supplied by the union of zeal and talent; and to establish by a victory over the king, the superiority of the independent over the presbyterian party. Charles, on the contrary, had sufficient reason to decline an engagement. His numbers had been diminished by the necessity of leaving a strong garrison in Leicester, and several reinforcements were still on their march to join the royal standard. But in the

presence of the roundheads the cavaliers never listened to the suggestions of prudence. The king yielded to their importunities:‡ early in the morning his army was formed in the usual manner, with the infantry in the centre, and the cavalry on the wings; and the whole line gallantly advanced, notwithstanding the disadvan-

* Essex, Manchester, and Denbigh, reluctantly tendered their resignations the day before the ordinance passed. The first died in the course of the next year (Sept. 14.): and the houses to express their respect for his memory, attended the funeral, and defrayed the expense out of the public purse. *Lords' Journals*, viii. 508. 533.

† *Lords' Journals*, vii. 429. 431.

‡ So little did Charles anticipate the approach of the enemy, that on the 12th he amused himself with hunting, and on the 13th at supper time wrote to secretary Nicholas that he should march the next morning, and proceed though Landabay and Melton to Belvoir, but no further. Before midnight he had resolved to fight. See his letter in Evelyn's memoirs, ii. App. 97.

tage of the rising ground, to charge a more numerous enemy. Prince Rupert commanded on the right. The enemy fled before him: six pieces of cannon were taken, and Ireton, the general of the parliamentary horse, was wounded, and for some time a prisoner in the hands of the victors.* But the lessons of experience had been thrown away upon Rupert. He urged the pursuit with his characteristic impetuosity, and while he wandered from the field, suffered the victory to be won by the masterly conduct of Oliver Cromwell.

That commander found himself opposed to the cavalry under sir Marmaduke Langdale. By both the fight was maintained with obstinate valour: but superiority of numbers enabled the former to press on the flanks of the royalists, who began to waver, and at last turned their backs and fled. Cromwell prudently checked the pursuit, and leaving four squadrons to watch the fugitives, directed the remainder of his force against the rear of the royal infantry. That body of men, only 3500 in number, had hitherto fought with the most heroic valour, and had driven the enemy's line, with the exception of one regiment, back on the reserve: but this unexpected charge broke their spirit; they threw down their arms and asked for quarter. Charles, who had witnessed their efforts and their danger, made every exertion to save them; he collected several bodies of horse; he put himself at their head; he called on them to follow him; he assured them that one more effort would secure the victory. But the appeal was made in vain. Instead of attending to his prayers and commands, they fled, and forced him to accompany them. The pursuit was continued with great slaughter almost to the walls of Leicester; and one hundred females, some of them ladies of distinguished rank, were reckoned among those who perished in the flight. In this fatal battle, fought near the village of Naseby, the king lost more than 5000 men, 9000 stand of arms, his park of artillery, the baggage of the army, and with it his own cabinet, containing private papers of the first importance. Out of these the parliament made a collection, which was published, with remarks, to prove to the nation the falsehoods of Charles, and the justice of the war.†

* Ireton was of an ancient family in Nottinghamshire, and bred to the law. He raised a troop of horse for the parliament at the beginning of the war, and accepted a captain's commission in the new modelled army. At the request of the officers, Cromwell had been lately appointed general of the horse, and at Cromwell's request, Ireton was made commissary general under him. Journals, vii. 421. Rushworth, vi. 42.

† For this battle see Clarendon, ii. 655. Rushworth vi. 42. and the Journals, vii. 433—436. The publication of the king's papers has been

After this disastrous battle the campaign presented little more than the last and feeble struggles of an expiring party. Among the royalists hardly a man could be found who did not pronounce the cause to be desperate: and, if any made a show of resistance, it was more through the hope of procuring conditions for themselves, than of benefitting the interests of their sovereign. Charles himself bore his misfortunes with an air of magnanimity, which was characterised as obstinacy by the desponding minds of his followers. As a statesman he acknowledged the hopelessness of his cause: as a christian he professed to believe that God would never allow rebellion to prosper: but let whatever happen, he at least would act as honour and conscience called on him to act: his name should not descend to posterity, as the name of a king who had abandoned the cause of God, injured the rights of his successors, and sacrificed the interests of his faithful and devoted adherents.*

July 3. From Leicester he retreated to Hereford: from Hereford to Ragland castle, the seat of the loyal marquess of Worcester; and thence to Cardiff, that he might more readily communicate with prince Rupert at Bristol. Each day brought him a repetition of the most melancholy intelligence. Leicester had surrendered almost at the first summons; the forces under Goring, the only body of royalists deserving the name of an army, were defeated by Fairfax at Lamport; Bridgewater, hitherto deemed an impregnable fortress, capitulated after a short siege; a chain of posts extending from that

severely censured by his friends, and as warmly defended by the advocates of the parliament. If their contents were of a nature to justify the conduct of the latter, I see not on what ground it could be expected that they should be suppressed. The only complaint which can reasonably be made, and which seems founded in fact, is that the selection of the papers for the press was made unfairly. The contents of the cabinet were several days in possession of the officers, and then submitted to the examination of a committee of the lower house, by whose advice certain papers were selected and sent to the lords, with a suggestion that they should be communicated to the citizens in a common hall. But the lords required to see the remainder: twenty-two additional papers were accordingly produced: but it was at the same time acknowledged that others were still kept back, because they had not yet been deciphered. By an order of the commons, the papers were afterwards printed with a preface containing certain passages in them with the king's former protestations. (Journals, June 23. 26. 30. July 3. 7. Lords, vii. 467. 469.) Charles himself acknowledges that the publication, as far as it went, was genuine (Evelyn's Memoirs, App. 101.); but he also maintains that other papers, which would have served to explain doubtful passages, had been purposely suppressed. Clarendon papers, ii. 187. See Baillie, ii. 136.

* Rushw. vi. 132. Clarendon, ii. 680.

town to Lime on the southern coast, cut off Devonshire and Cornwall, his principal resources, from all communication with the rest of the kingdom; and, what was still worse, the dissensions which raged among his officers and partisans in those counties, could not be appeased either by the necessity of providing for the common safety, or by the presence and authority of the prince of Wales.* To add to his embarrassments, his three fortresses in the north, Carlisle, Pontefract, and Scarborough, which for eighteen months had defied all the efforts of the enemy, had now fallen, the first into the hands of the Scots, the other two into those of the parliament. Under this accumulation of misfortunes many of his friends, and among them Rupert himself, hitherto the declared advocate of war, importuned him to yield to necessity, and to accept the conditions offered by the parliament. July 28.
July 21.
July 25.
July 31.

He replied that they viewed the question with the eyes of mere soldiers and statesmen: but he was a king, and had duties to perform, from which no change of circumstances, no human power, could absolve him, to preserve the church, protect his friends, and transmit to his successors the lawful rights of the crown: God was bound to support his own cause: he might for a time permit rebels and traitors to prosper, but he would ultimately humble them before the throne of their sovereign.† Under this persuasion he pictured to himself the wonderful things to be achieved by the gallantry of Montrose in Scotland, and he looked forward with daily impatience to the arrival of an imaginary army of twenty thousand men from Ireland. But from such dreams he was soon awakened by the rapid increase of disaffection in the population around him, and by the rumoured advance of the Scots to besiege the city of Hereford. From Cardiff he hastily crossed the kingdom to Newark. Learning that the Scottish cavalry were in pursuit, he left Newark, burst into the associated counties, ravaged the lands of his enemies, Aug. 21.

* Clarendon, ii. 663. et seq. Rushw. vi. 50. 55. 57. Carte's Ormond, iii. 423.

† Clarendon, ii. 679. Lords' Journals, vii. 667. Only three days before his arrival at Oxford, he wrote (August 25) a letter to secretary Nicholas, with an order to publish its contents, that it was his fixed determination, by the grace of God, never, in any possible circumstances, to yield up the government of the church to papists, presbyterians, or independents, nor to injure his successors by lessening the ecclesiastical or military power bequeathed to him by his predecessors, nor to forsake the defence of his friends, who had risked their lives and fortunes in his quarrel. Evelyn's memoirs, ii. App. 104.

Aug. 28. took the town of Huntingdon; and at last reached in safety his court at Oxford. It was not, that in this expedition he had in view any particular object. His utmost ambition was, by wandering from place to place, to preserve himself from falling into the hands of his enemies before the winter: in that season the severity of the weather would afford him sufficient protection, and he doubted not, that against the spring the victories of Montrose, the pacification of Ireland, and the compassion of his foreign allies, would enable him to resume hostilities with a powerful army, and with more flattering prospects of success.*

At Oxford Charles heard of the brilliant action fought at Kilsyth, near Stirling. Baillie, the general of the covenanters, with a superior but irregular force, had taken up a defensive position, but was compelled, if we may credit his own narrative, to abandon his plan by order of the committee from the estates. While he prepared to attack, he was prevented by Montrose.

Aug. 15. His cavalry broke at the first charge; the infantry immediately fled, and 5000 men perished in a pursuit of twelve miles. Glasgow and the neighbouring shires solicited the clemency of the conqueror: the citizens of Edinburgh sent to him the prisoners who had been condemned for their adherence to the royal cause; and many of the nobility, hastening to his standard, accepted commissions to raise forces in the name of the sovereign. At

Aug. 26. this news the Scottish horse, which had reached Nottingham, marched back to the Tweed to protect their own country; and the king on the third day left Oxford with 5000 men, to drive the infantry from the siege of Hereford. They did not wait his arrival, and he entered the city amidst the joyful acclamations of the inhabitants.†

But Charles was not long suffered to enjoy his triumph. Full of confidence he marched from Hereford to the relief of Bristol: at Ragland castle he learned that it was already in possession of the enemy. This unexpected stroke quite unnerved him. That a prince of his family, an officer whose reputation for

Surrender
of Bristol.
Sept. 10.

* Clarendon, ii. 677. Rushw. vi. 131. Carte's Ormond, iii. 415. 416. 418. 420. 423. 427. Baillie, ii. 152.

† Rushworth, vi. 230. Guthry, 194. Baillie, ii. 156, 157. This defeat perplexed the theology of that learned man. "I confess I am amazed, and cannot see to my mind's satisfaction, the reasons of the Lord's dealing with that land. . . . What means the Lord, so far against the expectation of the most clear-sighted, to humble us so low, and by his own immediate hand, I confess I know not." Ibid.

courage and fidelity was unblemished; should surrender in the third week of the siege an important city, which he had promised to maintain for four months, appeared to him incredible. His mind was agitated with suspicion and jealousy. He knew not whether to attribute the conduct of his nephew to cowardice, or despondency, or disaffection; but he foresaw and lamented its baneful influence on the small remnant of his followers. In the anguish of his mind he revoked the commission of the prince, and commanded him Sept. 14. to quit the kingdom: he instructed the council to watch his conduct, and on the first sign of disobedience to take him into custody; and he ordered the arrest of his friend colonel Legge, and appointed sir Thomas Glenham to succeed him as governor of Oxford. "Tell my son," he adds, "that I shall less grieve to hear that he is knocked in the head, than that he should do so means an action as is the surrendering of Bristol castell and fort upon the termes it was."*

The loss of Bristol was followed by the extinction of the royal party in Scotland. At Philip- Defeat of
haugh, near Selkirk, Lesley, with his cavalry, royalists at
had surprised the vigilance of Montrose, whose Chester.
followers were cut to pieces, while their leader Sept. 13.
escaped with difficulty to the highlands.† Thus in a moment vanished those brilliant hopes with which the king had consoled himself for his former losses; but the activity of his enemies allowed him no leisure to indulge his grief: they had already formed a lodgment within the suburbs of Chester, and threatened to deprive him of that, the only port by which he could maintain a communication with Ireland. He hastened to its relief, and was followed at the distance of a day's journey by Pointz, a parliamentary officer. It was the king's intention that Sept. 23. two attacks, one from the city, the other from the country, should be simultaneously made on the camp of the besiegers; and with this view he left the greater part of the royal cavalry at Routenheath, under sir Marmaduke Langdale, while he entered Chester himself with the remainder in the dusk of the evening. It chanced that Pointz meditated a similar attempt with the aid of the besiegers, on the force under Langdale; and the singular position of the armies

* Clarendon, ii. 693. Rushw. vi. 66—82. Journals, vi. 584. Evelyn's memoirs, ii. App. 108. The suspicion of Legge's fidelity was infused into the royal mind by Digby. Charles wished him to be secured, but refused to believe him guilty without better proofs. Ibid. 111.

† Rushw. vi. 237. Guthry, 201. Journals, vi. 584.

marked the following day with the most singular vicissitudes of fortune. Early in the morning the royalists repelled the troops under Pointz; but a detachment from the camp restored the battle, and forced them to retire under the walls of the city. Here, with the help of the king's guards, they recovered the ascendancy, but suffered themselves in the pursuit to be entangled among lanes and hedges lined with infantry, by whom they were thrown into irremediable disorder. Six hundred troopers fell in the action, more than 1000 obtained quarter, and the rest were scattered in every direction. The next night Charles repaired to Denbigh, collected the fugitives around him, and skilfully avoiding Pointz, hastened to Bridgenorth, where he was met by his nephew Maurice from the garrison of Worcester.*

Sept. 23. The only confidential counsellor who attended the king in this expedition was lord Digby. That nobleman, unfortunately for the interest of his sovereign, had incurred the hatred of his party; of some, on account of his enmity to prince Rupert; of the general officers, because he was supposed to sway the royal mind, even in military matters; and of all who desired peace, because to his advice was attributed the obstinacy of Charles in continuing the war. It was the common opinion that the king ought to fix his winter quarters at Worcester; but Digby, unwilling to be shut up during four months in a city of which the brother of Rupert was governor, persuaded him to proceed to his usual asylum at Newark. There, observing that the discontent among the officers increased, he parted from his sovereign, but on an important and honourable mission.

Oct. 4. The northern horse, still amounting to 1500 men, were persuaded by Langdale to attempt a junction with the Scottish hero, Montrose, and to accept of Digby as commander-in-chief. The first achievement of the new general was the complete dispersion of the parliamentary infantry in the neighbourhood of Doncaster. But in a few days his own followers were dispersed by colonel Copley at Sherburne. They rallied at Skipton, forced their way through Westmoreland and Cumberland, and penetrated as far as Dumfries, but could no where meet with intelligence of their Scottish friends. Returning to the borders, they disbanded near Carlisle, the privates retiring to their homes, the officers transporting them-

* Clarendon, ii. 712. Rush. vi. 117. Journals, vi. 608.

selves to the isle of Man. Langdale remained at Douglas; Digby proceeded to the marquess of Ormond in Ireland.*

Charles, during his stay at Newark, was made to feel that, with his good fortune, he had lost his authority. His two nephews, the lord Gerard, and about twenty other officers, entered his chamber, and, in rude and insulting language, charged him with ingratitude for their services, and undue partiality for the traitor Digby. The king lost the command of his temper; and, with more warmth than he was known to have betrayed on any other occasion, bade them quit his presence for ever. They obeyed, and the next morning they received passports to go where they pleased.

The king
retires to
Oxford.

Oct. 29.

But it was now time for the king himself to depart. The enemy's forces multiplied around Newark, and the Scots were advancing to join the blockade. In the dead of the night he stole, with 500 men, to Belvoir castle; thence, with the aid of experienced guides, he threaded the numerous posts of the enemy; and on the second day reached, for the last time, the walls of Oxford. Yet if he were there in safety, it was owing to the policy of the parliament, who deemed it more prudent to reduce the counties of Devon and Cornwall, the chief asylum of his adherents. For this purpose Fairfax, with the grand army, sat down before Exeter: Cromwell had long ago swept away the royal garrisons between that city and the metropolis.†

Nov. 3.

Nov. 5.

The reader will have frequently remarked the king's impatience for the arrival of military aid from Ireland. It is time to notice the intrigue on which he founded his hopes, and the causes which led to his disappointment. All his efforts to conclude a peace with the insurgents had failed through the obstinacy of the ancient Irish, who required as an indispensable condition the legal establishment of their religion.‡ The Catholics, they alleged, were the people of Ireland: they had now regained many of the churches, which not a century before had been taken from their fathers; and they could not in honour or conscience resign them to the professors of another religion. Charles had indulged a hope that the lord lieutenant would devise some means of satisfying their demand

His in-
trigues with
the Irish.

* Clarendon hist. ii. 714. Clarendon papers, ii. 199. Rushw. vi. 131.

† Clarendon, ii. 719—723. Rushw. vi. 80—95. Journals, 671. 672.

‡ Rinuccini's MS. Narrative.

without compromising the character of his sovereign;* but the scruples or caution of Ormond compelled him to look out for a minister of a less timid and more accommodating disposition, and he soon found one in the lord Herbert, a catholic, and son to the marquess of Worcester. Herbert felt the most devoted attachment to his sovereign. He had lived with him for twenty years in habits of intimacy; in conjunction with his father he had spent above £200,000 in support of the royal cause; and both had repeatedly and publicly avowed their determination to stand or fall with the throne. To him therefore the king explained his difficulties, his views, and his wishes. Low as he was sunk, he had yet a sufficient resource left in the two armies in Ireland. With them he might make head against his enemies; and re-establish his authority. But unfortunately this powerful and necessary aid was withheld from him by the obstinacy of the Irish catholics, whose demands were such, that to grant them publicly, would be to forfeit the affection and support of all the protestants in his dominions. He knew but of one way to elude the difficulty, the employment of a secret and confidential minister, whose credit with the catholics would give weight to his assurances, and whose loyalty would not refuse to incur danger or disgrace for the benefit of his sovereign. Herbert cheerfully tendered his services. It was agreed that he should negotiate with the confederates for the immediate aid of an army of 10,000 men; that as the reward of their willingness to serve the king, he should make to them certain concessions on the point of religion; that these should be kept secret, as long as the disclosure might be likely to prejudice the royal interests; and that Charles, in the case of discovery, should be at liberty to disavow the proceedings of Herbert, till he might find himself in a situation to despise the complaints and the malice of his enemies.†

1645. For this purpose, Herbert, (now created earl
Jan. 2. of Glamorgan,) was furnished, 1. with a commission to levy men, to coin money, and to employ the revenues of the crown for their support; 2. with a warrant to grant on certain conditions to the catholics of Ireland, such concessions as it was not prudent for the
Mar. 12. king or the lieutenant openly to make; 3. with a promise on the part of Charles to ratify whatever engage-

* See the correspondence in Carte's Ormond, ii. App. xv. xviii. xx. 'xxii. iii. 372. 387. 401. Charles's Works, 155.

† Clarendon papers, ii. 201.

ments his envoy might conclude, even if they were contrary to law; 4. and with different letters for the pope, the nuncio, and the several princes from whom subsidies were expected. But care was taken that none of these documents should come to the knowledge of the council. The commission was not sealed in the usual manner: the names of the persons to whom the letters were to be addressed, were not inserted; and all the papers were in several respects informal, for this purpose, that the king might have a plausible pretext to deny their authenticity in the event of a premature disclosure.*

Glamorgan proceeded on his chivalrous mission, and after many adventures and escapes, landed in safety in Ireland. That he communicated the substance of his instructions to Ormond, cannot be doubted: and if there were aught in his subsequent proceedings of which the lord lieutenant remained ignorant, that ignorance was affected and voluntary.† At Dublin both joined in the negotiation with the catholic deputies: from Dublin Glamorgan proceeded to Kilkenny; where the supreme council, satisfied with his authority, and encouraged by the advice of Ormond, concluded with him a treaty, by which it was stipulated that the catho- Aug. 25. lies should enjoy the public exercise of their religion, and retain all churches, and the revenues of churches, which were not actually in possession of the established clergy, and that in return they should, against a certain day, supply the king with a body of ten thousand armed men, and should devote two-thirds of the ecclesiastical revenues to his service during the war. ‡

Who concludes a secret treaty.

* See the authorities in note (B).

† Ibid.

‡ Dr. Leyburn, who was sent by the queen to Ireland in 1647, tells us on the authority of the nuncio and the bishop of Clogher, "that my lord of Worcester (Glamorgan) was ready to justify that he had exactly followed his instructions, and particularly that concerning the lord lieutenant, whom he had made acquainted with all that he had transacted with the Irish, of which he could produce proof." Birch, Inquiry, 322. Nor will any one doubt it, who attends to the letter of Ormond to lord Muskerry on the 11th of August, just after the arrival of Glamorgan at Kilkenny, in which, speaking of Glamorgan, he assured him, and through him the council of the confederates, that he knew "no subject in England upon whose favour and authority with his majesty, they can better rely than upon his lordship's, nor... with whom he (Ormond) would sooner agree for the benefit of this kingdom;" (Birch, 62.) and another to Glamorgan himself on Feb. 11th, in which he says, "your lordship may securely go on in the way you have proposed to yourself, to serve the king, without fear of interruption from me, or so much as inquiring into the means you work by." Ibid. 163. See also another letter, of April 6th, in Leland, iii. 283.

It is discovered.

To the surprise of all who were not in the secret, the public treaty now proceeded with unexpected facility. The only point in debate between the lord lieutenant and the deputies, respected their demand to be relieved by act of parliament from all penalties for the performance of the divine service and the administration of the sacraments, after any other form than that of the established church. Ormond was aware of their ulterior object: he became alarmed; and insisted on a proviso, that such article should not be construed to extend to any service performed, or sacraments administered; in cathedral or parochial churches. After repeated discussions, two expedients were suggested; one, that in place of the disputed article should be substituted another, providing that any concession with respect to religion which the king might afterwards grant, should be considered as making part of the present treaty; the other, that no mention should be made of religion at all, but that the lieutenant should sign a private engagement, not to molest the catholics in the possession of those churches which they now

held, but leave the question to the decision of a free parliament. To this both parties assented: and the deputies returned to Kilkenny to submit the result of the conferences to the judgment of the general assembly.*

But before this the secret treaty with Glamorgan, which had been concealed from all but the leading members of the council, had by accident come to the knowledge

of the parliament. About the middle of October, the titular archbishop of Tuam was slain in a skirmish between two parties of Scots and Irish near Sligo: and in the carriage of the prelate were found duplicates of the whole negotiation. The discovery was kept secret; but at Christmas Ormond received a copy of these important papers from a friend, with an intimation that the originals had been for some weeks in possession of the committee of both nations in London. It was evident that to save the royal reputation some decisive measure must be immediately taken. A council was called: Digby complained of the presumption of Glamorgan in negotiating the treaty without authority from the sovereign, or the participation of the lord lieutenant: and that nobleman was ordered into close custody in the castle, under a charge of suspicion of high treason. The council despatched an account of these proceedings to Charles; and Digby, who had considered himself as confidential minister, and looked on the concealment which had been practised towards him as a per-

* Compare Carte, i. 548. with Belling, *Vindiciæ*, 11. 13.

sonal affront, expressed his sentiments with a warmth and freedom not the most grateful to the royal feelings.*

The unfortunate monarch was still at Oxford, devising new plans, and indulging new hopes. The dissensions among his adversaries had assumed a character of violence and importance which they had never before borne. The Scots, irritated by the systematic opposition of the independents, and affected delays of the parliament, and founding the justice of their claim on the solemn league and covenant confirmed by the oaths of the two nations, insisted on the legal establishment of presbyterianism, and the exclusive prohibition of every other form of worship. They still ruled in the synod of divines: they were seconded by the great body of the ministers in the capital, and by a numerous party among the citizens; and they confidently called for the aid of the majority in the two houses, as of their brethren of the same religious persuasion. But their opponents, men of powerful intellect and invincible spirit, were supported by the swords and the merits of a conquering army. Cromwell, from the field of Naseby, had written to express his hope, that the men who had achieved so glorious a victory, might be allowed to serve God according to the dictates of their consciences. Fairfax, in his despatches, continually pleaded in favour of toleration. Seldon and Whitelock warned their colleagues to beware how they erected among them the tyranny of a presbyterian kirk; and many in the two houses began to maintain that Christ had established no particular form of church government, but had left it to be settled under convenient limitations by the authority of the state.† Nor were their altercations confined to religious matters. The decline of the royal cause had elevated the hopes of the English leaders. They no longer disguised their jealousy of the projects of their Scottish allies; they accused them of invading the sovereignty of England by placing garrisons in Belfast, Newcastle, and Carlisle, and complained that their army served to no other purpose than to plunder the defenceless inhabitants. The Scots haughtily replied, that the occupation of the fortresses

Party violence among the parliamentarians.

* Rushworth, vi. 239, 240. Carte's Ormond, iii. 436—440. "You do not believe," writes Hyde to secretary Nicholas, "that my lord Digby knew of my lord Glamorgan's commission and negotiation in Ireland. I am confident he did not; for he showed me the copies of letters which he had written to the king upon it, which ought not in good manners to have been written; and I believe will not be forgiven to him, by those for whose service they were written." Clarendon papers, ii. 346.

† Baillie, ii. 111. 161. 169. 183. Rushw. vi. 46. 85. Whitelock, 69. 172. Journals, vii. 434. 476. 620.

was necessary for their own safety; and that, if disorders had occasionally been committed by the soldiers, the blame ought to attach to the negligence or parsimony of those, who had failed in supplying the subsidies to which they were bound by treaty. The English commissioners remonstrated with the parliament of Scotland, the Scottish with that of England; the charges were reciprocally made and repelled in tones of asperity and defiance; and the occurrences of each day seemed to announce a speedy rupture between the two nations. Hitherto their ancient animosities had been lulled asleep by the conviction of their mutual dependence; the removal of the common danger called them again into activity.*

To a mind like that of Charles, eager to multiply experiments, and prone to believe improbabilities, the hostile position of these parties opened a new field for intrigue. He persuaded himself that by gaining either, he should be enabled to destroy both.† He therefore tempted the independents with promises of ample rewards and unlimited toleration; and at the same time employed Montrevil, the French envoy, to sound the disposition of the Scots, who offered to give him an asylum in their army, and to declare in his favour, if he would assent to the three demands made during the treaty at Uxbridge. Charles listened to both, but gave in his own judgment the preference to the independents, who asked only for toleration, while the Scots sought to force their own creed on the consciences of others: nor did he seem to comprehend the important fact, that the latter were willing at least to accept him for their king, while the former aimed at nothing less than the entire subversion of his throne.‡

From Oxford he had sent several messages to the parliament, by one of which he demanded passports for commissioners, or free and safe access for himself. To all a refusal was returned, on the ground that he had employed the opportunity afforded him by former treaties to tempt the fidelity of the commissioners, and that it was unsafe to indulge him with more facilities for conducting similar intrigues. Decency, however, required that in return the two houses should make their propo-

* Journals, vii. 573. 619. 640—643. 653. 668. 689. 697. 703. viii. 27. 97. Baillie, ii. 161. 162. 166. 171. 185. 188.

† "I am not without hope that I shall be able to draw either the presbyterians or independents to side with me for extirpating the one the other, that I shall be really king again." Carte's Ormond, iii. 452.

‡ Clarendon papers, ii. 209—211. Baillie, ii. 188.

sals; and it was resolved to submit to him certain articles for his immediate and unqualified approval or rejection. The Scots contended in favour of the three former propositions: but their opponents introduced several important alterations, for the twofold purpose, first of spinning out the debates, till the king should be surrounded in Oxford, and secondly of making such additions, to the severity of the terms, as might ensure their rejection.*

Under these circumstances Montrevil admonished him that he had not a day to spare; that the independents sought to deceive him to his own ruin: that his only resource was to accept of the conditions offered by the Scots; and that, whatever might be his persuasion respecting the origin of episcopacy, he might, in his present distress, conscientiously assent to the demand respecting presbyterianism; because it did not require him to introduce a form of worship which was not already established, but merely to allow that to remain which he had not the power to remove. Such, according to his instructions, was the opinion of the queen regent of France, and such was the prayer of his own consort, Henrietta Maria. But no argument could shake the royal resolution.† He returned a firm but temperate refusal, and renewed his request for a personal conference at Westminster. The message was conveyed in terms as energetic as language could supply, but it arrived at a most unpropitious moment, the very day on which the committee of both kingdoms thought proper to communicate to the two houses the papers respecting the treaty between Glamorgan and the catholics of Ireland. Amidst the ferment and exasperation produced by the disclosure, the king's letter was suffered to remain unnoticed.‡

The publication of these important documents imposed on Charles the necessity of vindicating his conduct to his protestant subjects; a task of no very easy execution, had he not availed himself of the permission which he had formerly extorted from the attachment of Glamorgan. In an additional message to the two houses, he protested that he had never given to that nobleman any other commission than to enlist soldiers, nor authorized him to treat on any subject without the privity

He disavows Glamorgan.
Jan. 29.

* Charles's Works, 548—550. Journals, viii. 31. 45. 53. 72. Baillie, ii. 144. 173. 177. 184. 190.

† Clarendon papers, ii. 211—214. "Let not my enemies flatter themselves so with their good successes. Without pretending to prophecy, I will fortel their ruin, except they agree with me, however it shall please God to dispose of me."

‡ Clarendon papers, ii. 213. Journals, Jan. 16. Commons, iv. Jan. 16. Charles's works, 551. Baillie, ii. 185.

of the lord lieutenant; that he disavowed all his proceedings and engagements with the catholics of Ireland; and that he had ordered the privy council in Dublin to proceed against him for his presumption according to law.* That council, however, or at least the lord lieutenant, was in possession of a document unknown to the parliament, a copy of the warrant by which Charles had engaged to confirm whatever Glamorgan should promise in the royal name. On this account, in

his answer to Ormond, he was compelled to shift his ground, and to assert that he had no recollection of any such warrant; that it was indeed possible he might have furnished the earl with some credential to the Irish catholics; but that if he did, it was only with an understanding, that it should not be employed without the knowledge and the approbation of the lord lieutenant. Whoever considers the evasive tendency of these answers, will find in them abundant proof of Glamorgan's pretensions.†

Who yet
concludes
a peace in
Ireland.

That nobleman had already recovered his liberty. To prepare against subsequent contingencies, and to leave the king what he termed "a starting hole," he had been careful to subjoin to his treaty a secret article called a defeasance, stipulating that the sovereign should be no further bound than he himself might think proper, after he had witnessed the efforts of the catholics in his favour; but that Glamorgan should conceal this release from the royal knowledge, till he had made every exertion in his power to procure the execution of the treaty.‡ This extraordinary instrument he now produced in his own vindication; the council ordered him to be discharged upon

bail for his appearance when it might be required; and he hastened, under the approbation of the lord lieutenant, to resume his negociation with the catholics at Kilkenny. He found the general assembly divided into two parties. The clergy, with their adherents, opposed the adoption of any peace, in which the establishment of the catholic worship was not openly recognized; and their arguments were strengthened by the recent imprisonment of Glamorgan, and the secret influence of the papal nuncio Rinuccini, archbishop and prince of Fermo, who had lately landed in Ireland. On the other hand, the members of the council and the lords and gentlemen of the pale, strenuously recom-

* Journals, viii. 132. Charles's Works, 555. † Carte, iii. 445—448.

‡ Compare Carte, i. 551, with Belling, Vindiciae, 17. Neither of these writers gives us a full copy of the defeasance. Belling says it was this which procured Glamorgan's discharge from prison.

mended the adoption of one of the two expedients which have been previously mentioned, as offering sufficient security for the church, and the only means of uniting the protestant royalists in the same cause with the catholics. At the suggestion of the nuncio the decision was postponed to the month of May; but Glamorgan did not forget the necessities of his sovereign; he obtained an immediate aid of six thousand men, and the promise of a considerable reinforcement, and proceeded to Waterford for the purpose of attempting to raise the siege of Chester. There, while he waited the arrival of transports, he received the news of the public disavowal of his authority by the king. But this gave him little uneasiness: he attributed it to the real cause, the danger with which Charles was threatened; and he had been already instructed "to make no other account of such declarations, than to put himself in a condition to help his master and set him free."* In a short time the more ungrateful intelligence arrived that Chester had surrendered: the fall of Chester was followed by the dissolution of the royal army in Cornwall, under the command of lord Hopton; and the prince of Wales, unable to remain there with safety, fled first to Scilly and thence to Jersey. There remained not a spot on the English coast where the Irish auxiliaries could be landed with any prospect of success. Glamorgan dispersed his army. Three hundred men accompanied the lord Digby to form a guard for the prince: a more considerable body proceeded to Scotland in aid of Montrose; and the remainder returned to their former quarters.†

* Birch, 189.

† Had Glamorgan's intended army of 10,000 men landed in England, the war would probably have assumed a most sanguinary character. An ordinance had passed the houses, that no quarter should be given to any Irishman, or any papist born in Ireland; that they should be excepted out of all capitulations; and that whenever they were taken, they should forthwith be put to death. (Rushw. v. 729. Oct. 24, 1644.) By the navy this was vigorously executed. The Irish sailors were invariably bound back to back, and thrown into the sea. At land we read of twelve Irish soldiers being hanged by the parliamentarians, for whom prince Rupert hanged twelve of his prisoners. (Clarendon, ii. 623.) After the victory of Naseby, Fairfax referred the task to the two houses. He had not, he wrote, time to inquire who were Irish and who were not, but had sent all the prisoners to London, to be disposed of according to law. (Journals, vii. 433.) There was some motion made in the commons to enforce the ordinance for hanging the Irish, (July 28.); but it seems to have been dropped. The Scots, however, having taken about 100 Irish prisoners in their victory at Philiphaugh, shot them all without mercy. Baillie, ii. Journals, vii. 584.

King pro-
poses a per-
sonal treaty.

In the mean while the king continued to consume his time in unavailing negotiations with the parliament, the Scots, and the independents.

1. He had been persuaded that there were many individuals of considerable influence both in the city and the two houses, who anxiously wished for such an accommodation as might heal the wounds of the country; that the terror inspired by the ruling party imposed silence on them for the present; but that, were he in London, they would joyfully rally around him, and by their number and union compel his adversaries to lower their pretensions. This it

1646.
Jan. 29.

was that induced him to solicit a personal conference at Westminster. He now repeated the proposal, and, to make it worth acceptance, offered to grant full toleration to every class of protestant dissenters, to yield to the parliament the command of the army during seven years, and to make over to them the next nomination of the lord admiral, the judges, and the officers of state. The insulting silence with which this message was treated, did not deter him from a third attempt. He asked whether, if he

were to disband his forces, dismantle his garrisons, and return to his usual residence in the vicinity of the parliament, they, on their part, would pass their word for the preservation of his honour, person, and estate, and allow his adherents to live without molestation on their own property. Even this proposal could not provoke an answer. It was plain that his enemies dared not trust their adherents in the royal presence; and, fearing that he might privately make his way into the city, they pub-

March 31.

lished an ordinance, that if the king came within the lines of communication, the officer of the guard should conduct him to St. James's, imprison his followers, and allow of no access to his person; and at the same time they gave notice by proclamation that all catholics, and all persons who had borne arms in the king's service, should depart within six days, under the penalty of being proceeded against as spies according to martial law.* 2. The refusal of Charles to consent to the establishment of presbyterianism in England, had disappointed the expectation of the Scots. But policy

Montrevil
negotiates
with the
Scots.

had greater influence than fanaticism; the possession of the royal person would give them an invaluable advantage over their enemies among the English leaders; and they agreed with the French envoy to offer, on certain conditions, an asylum

* Charles's Works, 556, 557. Rushworth, vi. 249. Journals, March 31, 1646. Carte's Ormond, iii. 452.

to the unfortunate monarch. Montrevil proceeded to Oxford, where the king put into his hands an engagement, to take with him no other persons than his two nephews, and Mr. Ashburnham; to satisfy the Scots in their demands respecting civil matters; and, in point of religion, to listen to the instructions of their ministers, and then to make every concession which his conscience would permit. In return the envoy pledged to him the word of the king and the regent of France,* that the Scots should receive him as their natural sovereign, should offer no violence to his honour or conscience, should protect his servants and followers,† and should join their forces and endeavours with his to procure “a happy and well grounded peace.” Thence Montrevil hastened to the Scottish camp before Newark; but he soon found to his surprise and regret, that he was a most unwelcome visiter. The commissioners of the estates with the army, differed in opinion from those in London; deputies from both bodies met in consultation at Royston: and at last it was resolved to send a party of cavalry as far as Bosworth on the road to Oxford, who should conduct the king to their quarters if he came alone, and, as it were, unexpectedly. Though Montrevil communicated this determination to Charles, he had seen too much of the Scots to recommend the measure. It might indeed be adopted when every other resource had failed, for it promised personal security. But this, he assured him, was all. If the king expected any thing more, he would infallibly have to lament his disappointment.‡

3. Ashburnham was the person employed to treat through sir Henry Vane with the independents. What the king asked from them, was to facilitate his access to parliament. Ample rewards were held out to the generals (probably Fairfax or Cromwell) to Vane himself, and to his friends; and an assurance was given, that if the establishment of presbyterianism were still made an indispensable condition of peace, the king

Ashburnham with the independents.

* It may be asked, what security this could give the king. The answer is, that when the Scots, by their agent Murray, in Paris, proposed a secret treaty and reconciliation with Charles, it was agreed, “that the crown of France should engage, as well that the Scots should perform all that they should promise, as that the king should make good whatsoever should be undertaken by him, or by the queen in his behalf.” Clarendon, ii. 730.

† This clause was inserted merely to save the king’s honour: he engaged himself in writing not to take any advantage of it. Clarendon papers, ii. 220.

‡ See Montrevil’s despatches among the Clarendon papers, ii. 211—522. It appears to me that Clarendon himself must have overlooked some passages in these despatches. See the account in his history, iii. 16.

would join his forces with theirs "to root out of the kingdom that tyrannical government."* That Charles placed some reliance on the promises of Vane, is certain; what were the views of that popular leader in this hazardous correspondence, is unknown. The most probable conjecture is, that he sought to detain the king in Oxford, till his friends, Fairfax and Cromwell, should bring up the army from Cornwall; to amuse the royal bird, till the fowlers had enclosed him in the toils.†

Oxford during the war had been rendered one of the strongest fortresses in the kingdom. On three sides the waters of the Isis and the Charwell, spread over the adjoining country, kept the enemy at a considerable distance, and on the north the city was covered with a succession of works, erected by the most skilful engineers. With a garrison of 5000 men, and a plentiful supply of stores and provisions, Charles might have protracted his fate for several months; yet the result of a siege must have been his captivity. He possessed no army; he had no prospect of assistance from without; and

April 25. within famine would in the end compel him to surrender. He waited till every resource had been tried in vain. When he heard that Fairfax with the advanced guard had already reached Andover, he solicited colonel Rainsborough, the commander of the blockading force, to take him under his protection, and conduct him to London; and on the refusal of that officer, he left

April 27. Oxford at midnight, in the company of Ashburnham, and Dr. Hudson, a clergyman, well acquainted with the country. Charles was disguised as a servant, and followed his pretended master. They proceeded through Henley and Brentford to Harrow on the hill: but the time which they spent on the road, proved either that the king was still undecided what course to take, or that he expected a communication from his partisans in the capital. At last he turned in the direction of St. Alban's; and, avoiding

April 28. that town, hastened through bye ways as far as Harborough. Here again he was disappointed. He could learn no tidings of any party of cavalry from the Scottish camp, or of any messenger from the French envoy.

* "Be very confident (he writes to Vane) that all things shall be performed according to my promise. By all that is good I conjure you to despatch that courtesy for me with all speed, or it will be too late. I shall perish before I receive the fruits of it." March 2. Clarendon papers, ii. 227.

† Baillie, ii. 199, 200, 203. Clarendon papers, ii. 226.

Hudson proceeded to Newark: the king with Ashburnham, crossing by Stamford, found a temporary asylum at Downholm, in Norfolkshire. Thence on the arrival of Hudson, they proceeded to the lodgings of Montrevil, at Southwell, by whom the fugitive monarch was introduced to the earl of Leven, and the officers of his staff. Though they affected the utmost surprise, they treated him with the respect due to their sovereign: but when Charles, as an experiment, undertook to give the word to the guard, Leven interrupted him, saying: "I am the older soldier, sir: your majesty had better leave that office to me."*

April 30.

May 5.

For ten days the public mind in the capital had been agitated by the most contradictory rumours: the moment the place of the king's retreat was ascertained, both presbyterians and independents united in condemning the perfidy of their northern allies. Menaces of immediate hostilities were heard: Poyntz received orders to watch the motions of the Scots with 5000 horse; and it was resolved that Fairfax should follow with the remainder of the army. But the Scottish leaders, anxious to avoid a rupture, and yet unwilling to surrender the royal prize, broke up their camp before Newark, and retired with precipitation to Newcastle. Thence by dint of protestations and denials they gradually succeeded in allaying the ferment.† Charles contributed his share, by repeating his desire of an accommodation, and requesting the two houses to send him the propositions of peace; and, as an earnest of his sincerity, he despatched a circular order to his officers to surrender the few fortresses which still maintained his cause. The war was at an end: and to the praise of the conquerors it must be recorded, that they did not stain their laurels with blood. The last remnants of the royal army obtained honourable terms from the generosity of Fairfax; easy compositions for the redemption of their estates were held out to the great majority of the royalists; and the policy of the measure was proved by the number of those who hastened to profit by the indulgence, and thus extinguished the hopes of the few, who

The royalists retire from the contest.

* Rushworth, vi. 266, 267. 276. Clarendon, Hist. iii. 22.; papers, ii. 228.

† Charles, soon after Montrevil had left Oxford, informed Ormond of his intention to join the Scots, who had promised to aid him against his enemies. This letter, which was published by Ormond, revived every former charge against the Scots. To get rid of it, their commissioners solemnly declared to the parliament that the assertion in the letter was "a damnable untruth." Journals, viii. 364. The fact is, such promises had been made and retracted.

still thought it possible to conjure up another army in defence of the captive monarch.*

King dis-
putes with
Henderson.

While the two houses, secure of victory, debated at their leisure the propositions to be submitted for the acceptance of the king, the Scots employed the interval in attempts to convert him to the presbyterian creed. For this purpose, Henderson, the most celebrated of their ministers, repaired from London to Newcastle. The king, according to his promise, listened to the arguments of his new instructor; and an interesting controversy respecting the divine institution of episcopacy and presbyteracy, was maintained with no contemptible display of skill between the two polemics. Whether Charles composed without the help of a theological monitor the papers, which on this occasion he produced, may perhaps be doubted: but the author, whoever he were, proved himself a match, if not more than a match, for his veteran opponent.† The Scottish leaders, however, came with political arguments to the aid of their champion. They assured the king, that his restoration to the royal authority, or his perpetual exclusion from the throne, depended on his present choice. Let him take the covenant and concur in the establishment of the directory, and the Scottish nation to a man, the English, with the sole exception of the independents, would declare in his favour. His conformity in that point alone would induce them to mitigate the severity of their other demands, to re-

* Journals, viii. 309. 329. 360. 374. 475. Baillie, ii. 207. 209. Rush. vi. 280—297. The last who submitted to take down the royal standard, was the marquess of Worcester. He was compelled to travel at the age of eighty, from Ragland castle to London, but died immediately after his arrival. As his estate was under sequestration, the lords ordered a sum to be advanced for the expenses of his funeral. Journals, viii. 498. 616. See note (C) at the end of the volume.

† The following was the chief point in dispute. Each had alleged texts of scripture in support of his favourite opinion, and each explained those texts in an opposite meaning. It was certainly as unreasonable that Charles should submit his judgment to Henderson, as that Henderson should submit his to that of Charles. The king, therefore, asked who was to be judge between them. The divine replied, that scripture could only be explained by scripture, which, in the opinion of the monarch, was leaving the matter undecided. He maintained that antiquity was the judge. The church government established by the apostles must have been consonant to the meaning of the scripture. Now, as far as we can go back in history, we find episcopacy established: whence it is fair to infer that episcopacy was the form established by the apostles. Henderson did not allow the inference. The church of the Jews had fallen into idolatry during the short absence of Moses on the mount, the church of Christ might have fallen into error in a short time after the death of the apostles. Here the controversy ended by the sickness and death of the divine. See Charles's works, 75—90.

place him on the throne of his ancestors, and to compel the opposite faction to submit. Should he refuse, he must attribute the consequences to himself. He had received sufficient warning; they had taken the covenant, and must discharge their duty to God and their country.

It was believed then, it has often been repeated since, that the king's refusal originated in the wilfulness and obstinacy of his temper; and that his repeated appeals to his conscience were mere pretexts to disguise his design of replunging the nation into the horrors, from which it had so recently emerged. But this supposition is completely refuted by the whole tenor of his secret correspondence with his queen and her council in France. He appears to have divided his objections into two classes, political and religious. 1. It was, he alleged, an age in which mankind were governed from the pulpit: whence it became an object of the first importance to a sovereign, to determine to whose care that powerful engine should be intrusted. The principles of presbyterianism were anti-monarchical: its ministers openly advocated the lawfulness of rebellion; and if they were made the sole dispensers of public instruction, he and his successors might be kings in name, but they would be slaves in effect. The wisest of those who had swayed the sceptre since the days of Solomon, had given his sanction to the maxim "no bishop no king:" and his own history furnished a melancholy confirmation of the sagacity of his father. 2. The origin of episcopacy was a theological question, which he had made it his business to study. He was convinced that the institution was derived from Christ, and that he could not in conscience commute it for another form of church government devised by man. He had found episcopacy in the church at his accession; he had sworn to maintain it in all its rights; and he was bound to leave it in existence at his death. Once, indeed, to please the two houses, he had betrayed his conscience by assenting to the death of Strafford: the punishment of that transgression still lay heavy on his head; but should he, to please them again, betray it once more, he would prove himself a most incorrigible sinner, and deserve the curse both of God and man.*

Motives of
his con-
duct.

The king had reached Newark in May; it was August before the propositions of peace were submitted to his consideration. The same in sub-

He again
demands a
personal

* For all these particulars, see the Clarendon papers, ii. 243. 248. 256. 260. 263. 265. 274. 277. 295. Baillie, ii. 208. 209. 214. 218. 219. 236. 241. 242. 243. 249.

confer-
ence.

stance with those of the preceding year, they had yet been aggravated by new restraints, and a more numerous list of proscriptions. On the tenth day, the utmost limit of the time allotted to the commissioners, Charles replied, that it was impossible for him to return an unqualified assent to proposals of such immense importance; that without explanation he could not comprehend how much of the ancient constitution it was meant to preserve, how much to take away; that a personal conference was necessary for both parties, in order to remove doubts, weigh reasons, and come to a perfect understanding: and that for this purpose it was his intention to repair to Westminster, whenever the two houses and the Scottish commissioners would assure him, that he might reside there with freedom, honour, and safety.*

Negotiation
between
the parlia-
ment and
the Scots.

This message, which was deemed evasive, and therefore unsatisfactory, filled the independents with joy, the presbyterians with sorrow. The former disguised no longer their wish to dethrone the king, and either to set up in his place his son the duke of York, whom the surrender of Oxford had delivered into their hands; or, which to many seemed preferable, to substitute a republican for a monarchical form of government. The Scottish commissioners sought to allay the ferment, by diverting the attention of the houses.

Aug. 11. They expressed their readiness not only to concur in such measures as the obstinacy of the king should make necessary, but on the receipt of a compensation for their past services, to withdraw their army into their own country. The offer was cheerfully accepted; a committee assembled to balance the accounts between the nations; many charges on both sides were disputed and disallowed; and at last the Scots agreed to accept £400,000 in lieu of all demands, of which one half should be paid before they left England, the other after their arrival in Scotland.†

* Journals, viii. 423. 447. 460.

† Journals, viii. 461. 485. Baillie, ii. 222, 223. 225. 267. Rush. vi. 322—326. To procure the money, a new loan was raised in the following manner. Every subscriber to former loans on the faith of parliament, who had yet received neither principal nor interest, was allowed to subscribe the same sum to the present loan, and, in return, both sums with interest were to be secured to him on the grand excise, and the sale of the bishop's lands. For the latter purpose, three ordinances were passed, one disabling all persons from holding the place, assuming the name, and exercising the jurisdiction of archbishops, or bishops, within the realm, and vesting all the lands belonging to archbishops and bishops in certain trustees, for the use of the nation (Journals, 515.); another securing the debts of subscribers on these lands (ibid. 520.) and a third appointing persons to make contracts of sale, and receive the money. Journals of Commons, Nov. 16.

At this moment an unexpected vote of the two houses, gave birth to a controversy unprecedented in history. It was resolved that the right of disposing of the king belonged to the parliament of England. The Scots hastened to remonstrate. To dispose of the king was an ambiguous term; they would assume that it meant to determine where he should reside, until harmony was restored between him and his people. But it ought to be remembered that he was king of Scotland as well as of England; that each nation had an interest in the royal person; both had been parties in the war; both had a right to be consulted respecting the result. The English, on the contrary, contended that the Scots were not parties but auxiliaries, and that it was their duty to execute the orders of those whose bread they ate, and whose money they received. Scotland was certainly an independent kingdom. But its rights were confined within its own limits: it could not claim, it should not exercise any authority within the boundaries of England. This altercation threatened to dissolve the union between the kingdoms. Conferences were repeatedly held. The Scots published their speeches: the commons ordered the books to be seized, and the printers to be imprisoned; and each party obstinately refused either to admit the pretensions of its opponents, or even to yield to a compromise. But that which most strongly marked the sense of the parliament, was a vote providing money for the payment of the army during the next six months: a very intelligible hint of their determination to maintain their claim by force of arms, if it were invaded by the presumption of their allies.*

Sept. 21.

Oct. 1.

Oct. 7.

Oct. 13.

This extraordinary dispute, the difficulty of raising an immediate loan, and the previous arrangements for the departure of the Scots, occupied the attention of the two houses during the remainder of the year. Charles had sufficient leisure to reflect on the fate which threatened him. His constancy seemed to relax; he consulted the bishops of London and Salisbury; and successively proposed several unsatisfactory expedients, of which the object was to combine the toleration of episcopacy with the temporary, or partial establishment of presbyterianism. The lords voted that he should be allowed to reside at Newmarket: but the commons refused their consent; and ultimately both houses fixed on Holmby, in the vici-

Expedients
proposed
by the king.

Sept. 30.

Dec. 12.

Dec. 24.

* Journals, 498. 534. Commons, Oct. 7. 13, 14. 16. Rush. vi. 329—373. Baillie, ii. 246.

nity of Northampton. No notice was taken of the security which he had demanded for his honour and freedom, but a promise was given that respect should be had to the safety of his person in the defence of the true religion and the liberties of the two kingdoms, according to the solemn league and covenant. This vote was communicated to the Scottish commissioners at Newcastle,

1647.
Jan. 6. who replied that they awaited the commands of their own parliament.*

Scots deliver him up to the parliament.
Dec. 16. In Scotland the situation of the king had been the subject of many keen and animated debates. In the parliament his friends were active and persevering; and their efforts elicited a resolution, that the commissioners in London should urge with all their influence, his request of a personal conference.

Cheered by this partial success, they proposed a vote expressive of their determination, to support, under all circumstances, his right to the English throne. But at this moment arrived the votes of the two houses for his removal to Holmby: the current of Scottish loyalty was instantly checked; and the fear of a rupture between the nations induced the estates to observe a solemn fast, that they might deserve the blessing of heaven, and to consult the commissioners of the kirk, that they might proceed with a safe conscience. The answer was such as might have been expected from the bigotry of the age: that it was unlawful to assist in the restoration of a prince, who had been excluded from the government of his kingdom, for his refusal of the propositions respecting religion and the covenant. A resolution was now voted that he should be sent to Holmby, or some other of his houses near London, to remain there till he had assented to the propositions of peace: and all that his friends could obtain was an amendment more expressive of their fears than of their hopes, that no injury or violence should be offered to his person, no obstacle be opposed to the legitimate succession of his children, and no alteration made in the existing government of the kingdoms.

1647.
Jan. 25. This addition was cheerfully adopted by the English house of lords: the commons did not vouchsafe to honour it with their notice. The first payment of

Jan. 2. £100,000 had already been made at Northallerton: the Scots, according to agreement, evacuated

Jan. 30. Newcastle; and the parliamentary commissioners,

* Clarendon papers, ii. 265. 268, 276. Journals, 622. 635. 648. 681. Commons' Journals, Dec. 24.

without any other ceremony, took charge of the royal person. Four days later the Scots received the second sum of £100,000; their army repassed the border line between the two kingdoms; and the captive monarch under a strong guard, but with every demonstration of respect, was conducted to his new prison at Holmby.*

Feb. 3.

Feb. 16.

The royalists, ever since the king's visit to Newark, had viewed with anxiety and terror the cool calculating policy of the Scots. The result converted their suspicions into certitude: they hesitated not to accuse them of falsehood and perfidy, and to charge them with having allured the king to their army by deceitful promises, that, Judas-like, they might barter him for money with his enemies. Insinuations so injurious to the character of the nation ought not to be lightly admitted. That fanaticism and self-interest had steeled the breasts of the covenanters against the more generous impulses of loyalty and compassion, may indeed be granted: but more than this cannot be legitimately inferred from any proof furnished by history. 1. The despatches of Montrevil make it evident, that the verbal engagement of the commissioners at London was disavowed by the commissioners with the army before Newark; that the king was officially informed that it would never be carried into execution; and that, if he afterwards sought an asylum among the Scots, he was not drawn thither by their promises, but driven by necessity and despair. 2. If the delivery of the royal person, connected as it was with the receipt of £200,000, bore the appearance of a sale, it ought to be remembered, that the accounts between the two nations had been adjusted in the beginning of September; that for four months afterwards the Scots never ceased to negotiate in favour of Charles; nor did they resign the care of his person, till the votes of the English parliament compelled them to make the choice between compliance or war. It may be, that in forming their decision, their personal interest was not forgotten: but there was another consideration which had no small weight even with the friends of the monarch. It was urged that by suffering the king to reside at Holmby, they would do away the last pretext for keeping on foot the army under the command of Fairfax; the dissolution of that army would annihilate the influence of the independents, and give an undisputed ascendancy to the presbyterians, the first the declared enemies, the others the avowed advocates of Scot-

* Journals, viii. 686. 689. 695. 699. 713. Commons, Jan. 25, 26, 27. Baillie, ii. 253. Rush. vi. 390—398. Whitelock, 232.

land, of the kirk, and of the king; and the necessary consequence must be, that the two parliaments would be left at liberty to arrange in conformity with the covenant, both the establishment of religion and the restoration of the throne.*

Charles was not yet weaned from the expectation of succour from Ireland. At Newcastle he had consoled the hours of his captivity with dreams of the mighty efforts for his deliverance, which would be made by Ormond, and Glamorgan, and the council at Kilkenny. To the first of these he forwarded two messages, one openly through Lanerie, the Scottish secretary, the other clandestinely through lord Digby, who proceeded to Dublin from France. By the first Ormond received a positive command to break off the treaty with the catholics; by the second he was told to adhere to his former instructions, and to obey no order which was not transmitted

to him, by the queen, or the prince. His letter to Glamorgan proves more clearly the distress to which he was reduced, and the confidence which he reposed in the exertions of that nobleman. "If," he writes, "you can raise a large sum of money by pawning my kingdoms for that purpose, I am content you should do it; and if I recover them, I will fully repay that money. And tell the nuncio, that if once I can come into his and your hands, which ought to be extremely wish'd for by you both, as well for the sake of England as Ireland, since all the rest, as I see, despise me, I will do it. And if I do not say this from my heart, or if in any future time I fail you in this, may God never restore me to my kingdoms in this world, nor give me eternal happiness in the next, to which I hope this tribulation will conduct me at last, after I have satisfied my obligations to my friends, to none of whom I am so much obliged as to yourself, whose merits towards me exceed all expressions that can be used by

July 20.

"Your constant friend,

"CHARLES R."†

* See the declarations of Argyle in Laing, iii. 560.; and of the Scottish commissioner, to the English parliament, Journals, ix. 594. 598. "Stapleton and Hollis, and some others of the eleven members, had been the main persuaders of us to remove out of England, and leave the king to them, upon assurance, which was most likely, that this was the only means to get that evil-army disbanded, the king and peace settled according to our minds; but their bent execution of this real intention has undone them, and all, till God provide a remedy." Baillie, ii. 257.

† Birch, Inquiry, 245. I may here mention that Glamorgan, when he was marquess of Worcester, published "A Century of the Names and Scandalings of such Inventions," &c. which Hume pronounces "a ridiculous com-

But religion was the rock on which the royal hopes were destined to split. The perseverance of the supreme council at Kilkenny prevailed in appearance over the intrigues of the nuncio, and the opposition of the clergy. The peace was reciprocally signed: it was published with more than usual parade in the cities of Dublin and Kilkenny: but at the same time a national synod at Waterford not only condemned it as contrary to the oath of association, but on that ground excommunicated its authors, fautors, and abettors, as guilty of perjury. The struggle between the advocates and opponents of the peace was soon terminated. The men of Ulster under Owen O'Nial, proud of their recent victory (they had almost annihilated the Scottish army in the sanguinary battle of Benburb,) espoused the cause of the clergy: Preston, who commanded the forces of Leinster, after some hesitation, declared also in their favour: the members of the old council who had subscribed the treaty, were imprisoned, and a new council was established, consisting of eight laymen and four clergymen, with the nuncio at their head. Under their direction the two armies marched to besiege Dublin: it was saved by the prudence of Ormond, who had wasted the neighbouring country, and by the habits of jealousy and dissention which prevented any cordial co-operation between O'Nial and Preston, the one of Irish, the other of English descent. Ormond, however, despaired of preserving the capital against their repeated attempts: and the important question for his decision was, whether he should surrender it to them, or to parliament. The one savoured of perfidy to his religion, the other of treachery to his sovereign. He preferred the latter. The first answer to his offer he was induced to reject as derogatory from his honour: a second negotiation followed; and he at last consented to resign to the parliament the sword, the emblem of his office, the castle of Dublin, and all the fortresses held by his troops, on the payment of a certain sum of money, a grant of security for his person, and the restoration of his lands, which had been sequestrated. This agreement was performed; Ormond came to England, and the king's hope of assistance from Ireland was once more disappointed.*

But is disappointed.
July 29.

Aug. 6.

Oct. 14.

1647.
Feb. 22.

pound of lies, chimeras, and impossibilities, enough to show what might be expected from such a man." If the reader peruse Mr. Partington's recent edition of this treatise, he will probably conclude that the historian had never seen it, or that he was unable to comprehend it.

* Journals, viii. 519. 522. ix. 29. 32. 35. The reader will find an accurate account of the numerous and complicated negotiations respecting Ireland in Birch, Inquiry, &c. p. 142--261.

Religious
disputes.

Before the conclusion of this chapter, it will be proper to notice the progress which had been made in the reformation of religion. From the directory for public worship, the synod and the houses proceeded to the government of the church. They divided the kingdom into provinces, the provinces into classes, and the classes into presbyteries or elderships; and established by successive votes a regular gradation of authority among these new judicatories, which amounted, if we may believe the ordinance, to no fewer than ten thousand. But neither of the great religious parties was satisfied. 1. The independents strongly objected to the intolerance of the presbyterian scheme;* and though willing that it should be protected and countenanced by the state, they claimed a right to form, according to the dictates of their

Discon-
tent of the
independ-
ents.

consciences, separate congregations for themselves. Their complaints were received with a willing ear by the two houses, the members of which (so we are told by a Scottish divine who attended the assembly at Westminster,) might be divided into four classes: the presbyterians, who, in number and influence surpassed any one of the other three: the independents, who, if few in number, were yet distinguished by the superior talents and industry of their leaders; the lawyers, who looked with jealousy on any attempt to erect an ecclesiastical power independent of the legislature; and the men of irreligious habits, who dreaded the stern and scrutinizing discipline of a presbyterian kirk. The two last occasionally served to restore the balance between the two others, and by joining with the independents, to arrest the zeal, and neutralize the votes of the presbyterians. With their aid, Cromwell, as the organ of the discontented religionists, obtained the appointment of a "grand committee for accommodation," which sat four months, and concluded nothing. Its professed object was to reconcile the two parties, by inducing the presbyterians to recede from their lofty pretensions, and the independents to relax something of their sectarian obstinacy. Both were equally inflexible. The former would admit of no innovation in the powers

1644.
Sept. 13.

* Under the general name of independents, I include, for convenience, all the different sects enumerated at the time by Edwards in his *Gangræna*, —independents, brownists, millenaries, antinomians, anabaptists, arminians, libertines, familists, enthusiasts, seekers, perfectists, socinians, arianists, antitrinitarians, antiscrypturists, and sceptics. Neal's *Puritans*, chap. xvii. I observe that some of them maintained that toleration was due even to catholics. Baillie repeatedly notices it with feelings of horror, ii. 17, 18, 43, 61.

which Christ, according to their creed, had bestowed on the presbytery; the latter, rather than conform, expressed their readiness to suffer the penalties of the law, or to seek some other clime, where the enjoyment of civil, was combined with that of religious freedom.*

2. The discontent of the presbyterians arose from a very different source. They complained that the parliament sacrilegiously usurped that jurisdiction which Christ had vested exclusively in his church. The assembly contended, that "the keys of the kingdom of heaven were committed to the officers of the church, by virtue whereof, they have power respectively to retain and remit sins, to shut the kingdom of heaven against the impenitent by censures, and to open it to the penitent by absolution." These claims of the divines were zealously supported by their brethren in parliament, and as fiercely opposed by all who were not of their communion. The divines claimed for the presbyteries the right of inquiring into the private lives of individuals, and of suspending the unworthy from the sacrament of the Lord's supper. The parliament refused the first, and con-

And of the
presbyterians.

1646.
March 5.

fining the second to cases of public scandal; *they* arrogated to themselves the power of judging what offences should be deemed scandalous; the parliament defined the particular offences, and appointed civil commissioners in each province, to whom the presbyteries should refer every case not previously enumerated; *they* allowed of no appeal from the ecclesiastical tribunals to the civil magistrate; the parliament empowered all who thought themselves aggrieved, to appeal to either of the two houses.† This profane mutilation of the divine right of the presbyteries excited the alarm and execration of every orthodox believer. When the ordinance for carrying the new plan into execution was in progress through the commons, the ministers generally determined not to act under its provisions. The citizens of London, who petitioned against it, were indeed silenced by a vote that they had violated the privileges of the house: but the Scottish commissioners came to their aid with a demand, that religion should be regulated to the satisfaction of the church; and the assembly of divines ventured to remonstrate, that they could not in conscience submit to an imperfect and antiscriptural form of ecclesiastical government. To the Scots, a civil but unmeaning answer was

Mar. 26.

April 22.

* Baillie, i. 408. 420. 431. ii. 11. 33. 37. 42. 57. 63. 66. 71.

† Journals, vii. 469. Commons, Sept. 25. Oct. 10. Mar. 5.

returned: as to the assembly, it was resolved that the remonstrance was a breach of privilege, and that nine questions should be proposed to the divines, respecting the nature and object of the divine right to which they pretended. These questions had been prepared by the ingenuity of Selden and Whitelock, ostensibly for the sake of information, in reality to breed dissention and to procure delay.*

When the votes of the house were announced to the assembly, the members anticipated nothing less than the infliction of those severe penalties, with which breaches of privilege were usually visited. They resolved to observe a day of fasting and humiliation, to invoke the protection of God in favour of his persecuted church; they required the immediate attendance of their absent colleagues; and then reluctantly entered on the consideration of the questions sent to them from the commons. In a few days, however, the

May 26.

king took refuge in the Scottish army, and a new ray of hope cheered their afflicted spirits. Additional petitions were presented; the answer of the two houses became more accommodating; and the petitioners received thanks for their zeal, with an assurance in conciliatory language, that attention should be paid to their requests. The immediate consequence was the abolition of the provincial commissioners; and the ministers, softened by this condescension, engaged to execute the ordinance in London and Lancashire.† At the same time the assembly undertook the composition of a catechism and confession of faith: but their progress was daily retarded by the debates respecting the nine questions; and the influence of their party was greatly diminished by the sudden death of the earl of Essex.‡ It was, how-

Sept. 14.

1647.

Feb. 18.

Mar. 17.

ever, restored by the delivery of the king into the hands of the parliament: petitions were immediately presented, complaining of the growth of error and schism; and the impatience of the citizens induced them to appoint a committee to wait daily at the door of the house of commons, till they should receive a

* Journals, vii. 232. Commons, March 23. April 22. Baillie, ii. 194. "The pope and king," he exclaims, "were never more earnest for the headship of the church, than the plurality of this parliament." 196. 198, 199. 201. 216.

† These were the only places in which the presbyterian government was established according to law.

‡ Baillie says, "He was the head of our party here, kept all together who now are like, by that alone, to fall to pieces. The house of lords absolutely, the city very much, and many of the shires depended on him." ii. 234.

favourable answer. But another revolution to be related in the next chapter, followed; the custody of the royal person passed from the parliament to the army, and the hopes of the orthodox were once more utterly extinguished.*

* Baillie, ii. 207. 215, 216, 226. 234. 236. 250. Journals, viii. 332. 509. ix. 18. 72. 82. Commons, May 26. Nov. 27. Dec. 7. March 15. 20.

CHAP. V.

CHARLES I.

OPPOSITE PROJECTS OF THE PRESBYTERIANS AND INDEPENDENTS
 —THE KING IS BROUGHT FROM HOLMBY TO THE ARMY—INDE-
 PENDENTS DRIVEN FROM PARLIAMENT—RESTORED BY THE ARMY
 —ORIGIN OF THE LEVELLERS—KING ESCAPES FROM HAMPTON
 COURT, AND IS SECURED IN THE ISLE OF WIGHT—MUTINY IN
 THE ARMY—PUBLIC OPINION IN FAVOUR OF THE KING—SCOTS
 ARM IN HIS DEFENCE—THE ROYALISTS RENEW THE WAR—THE
 PRESBYTERIANS RESUME THE ASCENDANCY—DEFEAT OF THE
 SCOTS—SUPPRESSION OF THE ROYALISTS—TREATY OF NEWPORT
 —THE KING IS AGAIN BROUGHT TO THE ARMY—THE HOUSE OF
 COMMONS IS PURIFIED—THE KING'S TRIAL—JUDGMENT AND
 EXECUTION—REFLECTIONS.

The king at Holmby. THE king during his captivity at Holmby divided his time between his studies and amusements. A considerable part of the day he spent in his closet, the rest in playing at bowls, or riding in the neighbourhood. He was strictly watched; and without an order from the parliament no access could be obtained to the royal presence. The crowds who came to be touched for the evil, were sent back by the guards; the servants who waited on his person, received their appointment from the commissioners; and, when he refused the spiritual services of two presbyterian ministers sent to him from London, his request for the attendance of any of his twelve chaplains was equally refused. Thus three months passed away without any official communication from the two houses. The king's patience was exhausted; and he addressed them in a letter, which as it must have been the production of his own pen, furnishes a favourable specimen of his abilities. In it he observed, that

Feb. 17.
 March 6.
 May 12.

the want of advisers might, in the estimation of any reasonable man, excuse him from noticing the important propositions presented to him at Newcastle: but his wish to restore a good understanding between himself and his houses of parliament, had induced him to make them the subjects of his daily study; and if he could not return an answer satisfactory in every particular, it must be attributed not to want of will, but to the prohibition of his conscience. Many things he would cheerfully concede: with respect to the others he was ready to receive information, and that in person, if such were the pleasure of the lords and commons. Individuals in his situation might persuade themselves that promises extorted from a prisoner are not binding. If such were his opinion, he would not hesitate a moment to grant whatever had been asked. His very reluctance proved beyond dispute, that with him at least the words of a king were sacred.

After this preamble he proceeds to signify his assent to most of the propositions; to the three principal points in debate, he answers: 1. that he is ready to confirm the presbyterian government for the space of three years, on condition that liberty of worship be allowed to himself and his household, that twenty divines of his nomination be added to the assembly at Westminster, and that the final settlement of religion at the expiration of that period be made in the regular way by himself and the two houses: 2. he is willing that the command of the army and navy be vested in persons to be named by them, on condition that after ten years it may revert to the crown: and 3. if these things be accorded, he pledges himself to give full satisfaction with respect to the war in Ireland. By the lords the royal answer was favourably received, and they resolved

May 20.

by a majority of thirteen to nine, that the king should be removed from Holmby to Oatlands: but the commons neglected to notice the subject, till their attention was occupied by a question of more immediate, and therefore in their estimation, of superior importance.*

The reader is aware that the presbyterians had long viewed the army under Fairfax with peculiar jealousy. It offered a secure refuge to their religious, it proved the strongest bulwark of their political, opponents. Under its protection men were beyond the reach of intolerance. They prayed and preached as they pleased: the fanaticism of one served to countenance the fanaticism of another; and all, however they might differ in spiritual gifts

Character
of Fairfax.

* Journals, 19. 69. 193. 199. Commons, Feb. 20. March 2. 9. May 21.
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and theological notions, were bound together by the common profession of godliness, and the common dread of persecution. Fairfax, though called a presbyterian, had nothing of that stern, unaccommodating character, which then marked the leaders of the party. In the field he was distinguished by his activity and daring; but the moment his military duties were performed, he relapsed into habits of ease and indolence; and, with the good nature and the credulity of a child, suffered himself to be guided by the advice or the wishes of those around him, by his wife, by his companions, and particularly by Cromwell. That adventurer had equally obtained the confidence of the commander-in-chief and of the common soldier. Dark, artful and designing, he governed Fairfax by his suggestions, while he pretended only to second the projects of that general. Among the privates he appeared as the advocate of liberty and toleration, joined with them in their conventicles, adopted among them the cant of fanaticism, and affected to resent their wrongs as religionists and their privations as soldiers. To his fellow officers he lamented the ingratitude and jealousy of the parliament, a court in which experience showed that no man, not even the most meritorious patriot, was secure. To-day, he might be in high favour: to-morrow, at the insidious suggestion of some obscure lawyer or narrow-minded bigot, he might find himself under arrest and consigned to the Tower. That Cromwell already aspired to the eminence to which he afterwards soared, is hardly credible: but that his ambition was awakened, and that he laboured to bring the army into collision with the parliament, was evident to the most careless observer.*

To disband that army was now become the main object of the presbyterian leaders: but they disguised their real motives under the pretence of the national benefit. The royalists were humbled in the dust: the Scots had departed; and it was time to relieve the country from the charge of supporting a multitude of men in arms, without any ostensible purpose. They carried, but with considerable opposition, the following resolutions: to take from the army three regiments of horse, and eight regiments of foot, for the service in Ireland, to retain in England no greater number of infantry than might be required to do the garrison duty, with six thousand cavalry

* As early as Aug. 2, 1648, Huntingdon, the major in his regiment, in his account of Cromwell's conduct, noticed, that in his chamber at Kingston he said, "What a sway Stapleton and Hollis had heretofore in the kingdom, and he knew nothing to the contrary, but that he was as well able to govern the kingdom as either of them." Journals, x. 411.

for the more speedy suppression of tumults and riots, and to admit of no officer of higher rank than colonel, with the exception of Fairfax, the commander-in-chief. In addition, it was voted that no commission should be granted to any member of the lower house, or to any individual who refused to take the solemn league and covenant, or to any one whose conscience forbade him to conform to the presbyterian scheme of church government.*

The object of these votes could not be concealed from the independents. They resolved to oppose their adversaries with their own weapons, and to intimidate those whom they were unable to convince. Suddenly, at their secret instigation, the army, rising from its cantonments in the neighbourhood of Nottingham, approached the metropolis, and selected quarters in the county of Essex. This movement was regarded and resented as a menace: Fairfax, to excuse it, alleged the difficulty of procuring subsistence in an exhausted and impoverished district. At Saffron-Waldon, he was met by the parliamentary commissioners: they called a council of officers, and submitted to their consideration proposals for the service of Ireland; but instead of a positive answer, inquiries were made and explanations demanded, while a remonstrance against the treatment of the army was circulated for signatures through the several regiments. In it, the soldiers required an ordinance of indemnity, to screen them from actions in the civil courts for their past conduct, the payment of their arrears, which amounted to forty-three weeks for the horse, and to eighteen for the infantry, exemption from impressment for foreign service, compensation for the maimed, pensions for the widows and families of those who had fallen during the war, and a weekly provision of money, that they might no longer be compelled to live at free quarters on the inhabitants. This remonstrance alarmed the ruling party: they dreaded to oppose petitioners with swords in their hands; and, that the project might be suppressed in its birth, both houses sent instructions to the general, ordered all members holding commands to repair to the army, and issued a declaration, in which, after a promise to take no notice of what was passed,

Opposition
of the inde-
pendents.

March 21.

March 30.

* Journals of Commons, i. Feb. 15, 19, 20, 23, 25, 26, 27. March 1, 2, 3, 4, 5. On several divisions the presbyterian majority was reduced to ten; on one, to two members. They laboured to exclude Fairfax, but were left in a minority of 147 to 159. Ibid. March 5. "Some," says Whitelock, "wondered it should admit debate and question." p. 239.

they admonished the subscribers that to persist in their illegal course would subject them to punishment "as enemies to the state, and disturbers of the public peace."*

The framers of this declaration knew little of the temper of the military. They sought to prevail by intimidation, and they only inflamed the general discontent. Was it to be borne, the soldiers asked each other, that the city of London and the county of Essex should be allowed to petition against the army, and that they, who had fought, and bled, and conquered in the cause of their country, should be forbidden either to state their grievances, or to vindicate their characters? Two deliberating bodies, in imitation of the houses at Westminster, were quickly formed: one consisting of the officers holding commissions, the other of two representatives from every troop and company, calling themselves adjutators or helpers, a name which, by the ingenuity of their enemies, was changed into that of agitators or disturbers.† Guided by their resolves, the whole army seemed to be animated with one soul; scarcely a man could be tempted to desert the common cause by accepting of the service in Ireland; each corps added supernumeraries to its original complement;‡ and language was held, projects were suggested, most alarming to the presby-

terian party. Confident, however, in their own power, the majority resolved that the several regiments should be disbanded on the receipt of a small portion of their arrears. It was scarcely passed when a deputation of officers presented to the commons a defence of the remonstrance. They maintained that by becoming soldiers they had not lost the rights of subjects, that by purchasing the freedom of others, they had not forfeited their own: that what had been granted to the adversaries of the commonwealth, and to the officers in the armies of Essex and Waller, could not in justice be refused to them: and that, as without

* Journals, ix. 66. 72. 82. 89. 96. 112—115. Commons, v. Mar. 11. 25. 26, 27, 29.

† This was not the first appearance of the agitators. "The first time," says Fairfax, "I took notice of them was at Nottingham, (end of February) by the soldiers meeting to frame a petition to the parliament about their arrears. The thing seemed just; but not liking the way, I spoke with some officers who were principally engaged in it, and got it suppressed for that time." Short Memorials of Thomas, lord Fairfax, written by himself. Somers' Tracts, v. 392.

‡ Several bodies of troops in the distant counties had been disbanded; but the army under Fairfax, by enlisting volunteers from both parties, royalists as well as parliamentarians, was gradually increased by several thousand men, and the burden of supporting it was doubled. See Journals, ix. 559—583.

the liberty of petitioning, grievances are without remedy, they ought to be allowed to petition now in what regarded them as soldiers, no less than afterwards in what might regard them as citizens. At the same time the adjutators addressed to Fairfax and the other general officers, a letter complaining of their wrongs, stating their resolution to obtain redress, and describing the expedition to Ireland as a mere pretext to separate the soldiers from those officers to whom they were attached, "a cloak to the ambition of men who having lately tasted of sovereignty, and been lifted beyond their ordinary sphere of servants, sought to become masters, and degenerate into tyrants." The tone of these papers excited alarm: and Cromwell, Skippon, Ireton, and Fleetwood, were ordered to repair to their regiments, and assure them that ordinances of indemnity should be passed, that their arrears should be audited, and that a considerable payment should be made previous to their dismissal from the service. When these officers announced, in the words of the parliamentary order, that they were come to quiet "the distempers in the army," the councils replied, that they knew of no distempers, but of many grievances, and that of these they demanded immediate redress.*

May 8.

Whitelock, with his friends, earnestly deprecated a course of proceeding which he foresaw must end in defeat: but his efforts were frustrated by the violence of Hollis, Stapleton, and Glyn, the leaders of the ruling party, who, though they condescended to pass the ordinance of indemnity, and to issue money for the payment of the arrears of eight weeks, procured at the same time instructions for the general to collect the several regiments in their quarters, and to disband them without delay. Instead of obeying, he called together the council of officers, who resolved that the money offered by the houses was but a small portion of their demand; that no visible security was given for the remainder; that the vote by which they had been declared enemies to the state, had not been recalled; and that as they could obtain neither reparation for their characters nor security for their persons, it was necessary that the whole army should be drawn together, in order that all might consult in common. This intelligence opened the eyes of their adversaries: they expunged the offensive declaration from the journals, they introduced a more comprehensive ordi-

Refusal of
parlia-
ment.

May 21.

May 25.

May 29.

June 1.

June 5.

* Journals, ix. 164. Commons, Ap. 27. 30. Whitelock, 245, 246. Rushworth, vi. 447. 451. 457. 469. 480. 485.

nance of indemnity, and had proposed several votes calculated to meet the objections of the officers, when their alarm was raised to the highest pitch by the arrival of unexpected tidings from Holmby.*

Soon after the appointment of the agitators, April 21. an officer delivered to the king a petition from the army, that he would suffer himself to be conducted to the quarters of their general, by whom he should be restored to his honour, crown, and dignity. Charles replied, that he hoped one day to reward them for the loyalty of their intention, but that he could not give his consent to a measure, which must, in all probability, replunge the nation into the horrors of a civil war.† He believed that this answer had

induced the army to abandon the design: but six weeks later, on Wednesday the 2nd of June, while he was playing at bowls, Joyce, a cornet in the general's life guard, was observed standing among the spectators; and late in the evening of the same day, the commissioners in attendance understood that a numerous party of horse had assembled on Harleston heath, at the distance of two miles from Holmby. Their object could not be doubted; it was soon ascertained that the guards would offer no resistance; and colonel Greaves, their commander, deemed it expedient to withdraw to a place of safety. About two in the morning the strangers

June 3. appeared before the gates, and were instantly admitted. To the questions of the commissioners, who was their commander, and what was their purpose, Joyce replied, that they were all commanders, and that they had come to arrest colonel Greaves, and to secure the person of the king, that he might not be carried away by their enemies. They then placed guards of their own, and spent the day in consultation. About ten at night Joyce demanded admission to the royal bed-chamber, and informed the king that his comrades were apprehensive of a rescue, and wished to conduct him to a place of greater security. Charles signified his consent, on the condition that what then passed between them in private, should be repeated in public: and at six the next morning, took his station on the steps at the door,

June 4. while the troopers drew up before him with Joyce a little in advance of the line. This dialogue ensued:

* Whitelock, 248. 250. Hollis, 92. Journals, 207. 222. 226—228. Commons, May 14. 21. 25. 28. June 1. 1. 5. Rushworth, vi. 489. 493. 497—500. 505.

† Clarendon papers, ii. 365

KING.—Mr. Joyce, I desire to ask you, what authority you have to take charge of my person, and convey me away.

JOYCE.—I am sent by authority of the army to prevent the design of their enemies, who seek to involve the kingdom a second time in blood.

KING.—That is no lawful authority. I know of none in England but my own, and after mine, that of the parliament. Have you any written commission from sir Thomas Fairfax?

JOYCE.—I have the authority of the army, and the general is included in the army.

KING.—That is no answer. The general is the head of the army. Have you any written commission?

JOYCE.—I beseech your majesty to ask me no more questions. There is my commission, pointing to the troopers behind him.

KING, with a smile.—I never before read such a commission: but it is written in characters fair and legible enough; a company of as handsome proper gentlemen, as I have seen a long while. But to remove me hence you must use absolute force, unless you give me satisfaction as to these reasonable and just demands which I make: that I may be used with honour and respect, and that I may not be forced in any thing against my conscience or honour, though I hope that my resolution is so fixed that no force can cause me to do a base thing. You are masters of my body, my soul is above your reach.

The troopers signified their consent by acclamation: and Joyce rejoined, that their principle was not to force any man's conscience, much less that of their sovereign. Charles proceeded to demand the attendance of his own servants, and, when this had been granted, asked whither they meant to conduct him. Some mentioned Oxford; others Cambridge, but at his own request Newmarket was preferred. As soon as he had retired, the commissioners protested against the removal of the royal person, and called on the troopers present to come over to them, and maintain the authority of parliament. But they replied with one voice "none, none:" and the king trusting himself to Joyce and his companions, rode that day as far as Hinchinbrook house, and afterwards proceeded to Newmarket.*

* Compare the narrative published by the army (Rush. vi. 513.), with the letters sent by the commissioners to the house of Lords. Journals, 237. 240. 248. 250. Fairfax met the king, and advised him to return to Holmby. "The next day I waited on his majesty, it being also my business to persuade his return to Holmby; but he was otherwise resolved So having spent the whole day about this business, I returned to my quarters; and as

Marches
towards
London.

This design of seizing the person of the king was openly avowed by the council of the agitators, though the general belief attributed it to the secret contrivance of Cromwell. It had been carefully concealed from the knowledge of Fairfax till after its successful execution. He was still duped by the hypocrisy of the lieutenant general, whom he believed to be animated with the same sentiments as himself, an earnest desire to satisfy the complaints of the military, and at the same time to prevent a rupture between them and the parliament. But Cromwell had in view a very different object, the humiliation of his political opponents; and his hopes were encouraged not only by the ardour of the army, but also by the general wishes of the people. Addresses from the freeholders of different counties were daily presented to Fairfax, as if the force under his command constituted the supreme authority in the nation; they lamented that the return of peace had not brought with it those blessings, the promise of which had induced them to submit to the privations of war: and they attributed their disappointment to the obstinacy with which certain persons clung to the emoluments of office. . In parliament, amidst the struggles of the two parties, some votes were passed, calculated to give satisfaction both to the public and to the military: but to these others were added, which manifested a determination in the houses to resist the dictates of a mutinous soldiery. Every day the contest assumed a more threatening appearance. A succession of petitions, remonstrances, and declarations, issued from the pens of Ireton and Lambert, under the superintendence of Cromwell: the army continually added to their former demands, and it was now required, that all capitulations granted during the war, should be observed; that a time should be fixed for the termination of the present parliament; that the house

June 16. of commons should be purged of every individual disqualified by preceding ordinances; and, in particular, that eleven of its members, comprising Hollis, Glyn, Stapleton, Clotworthy, and Waller, the chief leaders of the presbyterian party, should be excluded, till they had been tried by due

I took leave of the king, he said to me, sir, I have as good interest in the army as you. . . . I called for a council of war to proceed against Joyce for this high offence, and breach of the articles of war: but the officers, whether for fear of the distempered soldiers, or rather (as I suspected) a secret allowance of what was done, made all my endeavours in this ineffectual." Somers' Tracts, v. 394. Hollis asserts that the removal of the king had been planned at the house of Cromwell on the 30th of May, (Hollis, 96.) Huntingdon, that it was advised by Cromwell and Ireton. Lords' Journals, x. 409.

course of law for the offence of endeavouring to commit the army with the parliament. To give weight to these demands, Fairfax, who seems to have acted as the mere

June 26.

organ of the council of officers,* marched successively to St. Alban's, to Watford, and to Uxbridge. His approach revealed the weakness or the timidity of the presbyterian party. Skippon, whom they consulted as their military oracle, advised them to fast and submit; and the men who had so clamorously appealed to the privileges of parliament, when the king demanded the five members, were silent when a similar demand was made by twelve thousand men in arms. They gladly voted leave of absence for the accused; they ordered the new levies for the defence of the city to be disbanded; and they tamely resigned to their opponents the ascendancy which they had hitherto enjoyed. At the suggestion of the independents, the army under Fairfax was declared the army of the parliament; a

June 28.

month's pay was granted as the reward of its services; and commissioners from the two houses were appointed to treat with commissioners from the army, as if they were the representatives of an independent and co-equal authority.†

This struggle and its consequences were viewed with intense interest by the royalists, who persuaded themselves that it must end in the restoration of the king: but the opportunities furnished by the passions of his adversaries, were as often

And treats
the king
with indul-
gence.

forfeited by his own irresolution. While both factions courted his assistance, he, partly through distrust of their sincerity, partly through the hope of more favourable terms, balanced between their offers, till the contest was decided without his interference. Ever since his departure from Holmby, though he was still a captive, and compelled to follow the marches of the army, the officers had treated him with the most profound respect: attention was paid to all his wants: the general interposed to procure for him occasionally the company of

* "From the time they declared their usurped authority at Triplo Heath, (June 10) I never gave my free consent to any thing they did; but being yet undischarged of my place, they set my name in way of course to all their papers, whether I consented or not." Somers' Tracts, v. 396. This can only mean that he reluctantly allowed them to make use of his name: for he was certainly at liberty to resign his command; or to protest against the measures which he disapproved.

† Rushworth, vi. 518—596. Whitelock, 251—256. Hollis, 104. Journals, 249. 257. 260. 263. 275. 277. 284. 289. 291. 298. Commons, June 7. 11. 12. 15. 18. 25. 26. 28. On divisions in general, the presbyterians had a majority of 40—but on the 28th, the first day after the departure of their leaders, they were left in a minority of 85 to 121. Ibid.

his younger children; his servants, Legge, Berkeley, and Ashburnham, though known to have come from France by command of the queen, were permitted to attend him; and free access was given to some of his chaplains, who read the service in his presence publicly and without molestation. Several of the officers openly professed to admire his piety, and to compassionate his misfortunes: even Cromwell, though at first he affected the distance and reserve of an enemy, sent him secret assurances of his attachment; and successive addresses were made to him in the name of the military, expressive of the general wish to effect an accommodation, which should reconcile the rights of the throne with those of

the people. In addition, Fairfax, in a letter to July 8. the two houses, spurned the imputation cast upon the army, as if it were hostile to monarchical government, justified the respect and indulgence with which he had treated the royal captive, and maintained that "tender, equitable, and moderate dealing towards him, his family, and his former adherents," was the most hopeful course to lull asleep the feuds which divided the nation. Never had the king so fair a prospect of recovering his authority.*

The independent
are driven
from par-
liament.

In the treaty between the commissioners of the parliament and those of the army, the latter proceeded with considerable caution. The redress of military grievances was but the least of their cares: their great object was the settlement of the national tranquillity on what they deemed a solid and permanent basis. Of this intention they had suffered some hints to transpire: but before the open announcement of their plan, they resolved to bring the city, as they had brought the parliament, under subjection. London, with its dependencies, had hitherto been the chief support of the contrary faction; it abounded with discharged officers and soldiers who had served under Essex and Waller, and who were ready at the first summons to draw the sword in defence of the covenant: and the supreme authority over the military within the lines of communication had been, by a late ordinance, vested in a committee, all the members of which were strongly attached to the presbyterian interest. To wrest this formidable weapon from the hands of their adversaries, they forwarded a request to the two houses, that the command of the London militia might be transferred from disaffected persons to men distinguished by their devotion to the cause of the country. The presbyterians were alarmed, they suspected a coalition

* Journals, ix. 323, 324. Also Huntingdon's narrative, x. 409.

between the king and the independents; they saw that the covenant was at stake, and that the propositions of peace so often voted in parliament might in a few days be set aside. A petition was presented in opposition to the demand of the army: but the houses, now under the influence of the independents, passed the ordinance; and the city on its part determined to resist both the army and the parliament. Lord Lauderdale, the chief of the Scottish commissioners, hastened to the king to obtain his concurrence; a new covenant, devised in his favour, was exposed at Skinners' hall, and the citizens and soldiers hastened in crowds to subscribe their names. By it they bound themselves in the presence of God, and at the risk of their lives and fortunes, to bring the sovereign to Westminster, that he might confirm the concessions which he had made in his letter from Holmby, and might confer with his parliament on the remaining propositions. Both lords and commons voted this new engagement an act of treason against the kingdom: and the publication of the vote, instead of damping the zeal, inflamed the passions of the people. The citizens petitioned a second time, and received a second refusal. The moment they departed, a multitude of apprentices, supported by a crowd of military men, besieged the doors of the two houses: for eight hours they continued by shouts and messages to call for the repeal of the ordinance respecting the militia, and of the vote condemning the covenant; and the members, after a long resistance, worn out with fatigue and overcome with terror, submitted to their demands. Even after they had been suffered to retire, the multitude suddenly compelled the commons to return, and with the speaker in the chair, to pass a vote that the king should be conducted without delay to his palace at Westminster. Both houses adjourned for three days, and most of the independent members improved the opportunity to withdraw from the insults of the populace, and to seek an asylum in the army.*

July 21.

July 24.

July 26.

In the mean while the council of officers had completed their plan "for the settlement of the nation," which they submitted first to the consideration of Charles, and afterwards to that of the parliamentary commissioners. In many points it was similar to the celebrated "propositions of peace:" but it contained in addition several provisions respecting the free-

Charles refuses the offers of the army.
Aug. 1.

* Whitelock, 260, 261. Journals, ix. 377. 393. Hollis, 145. Leicester's journal in the Sidney papers, edited by Mr. Blencowe, p. 25.

dom of elections and the duration of parliaments;* and on the three great points of the church, the militia, and the fate of the royalists, was so modified after a long debate, as almost to satisfy the wishes of the monarch. Instead of abolishing the hierarchy, it only deprived it of the power of coercion: it placed the liturgy and the covenant on an equal footing, taking away the penalties for absence from the one, and for the refusal of the other: it restored the command of the army and navy to the crown after the expiration of ten years; and it confined to five the number of English royalists to be excepted from pardon. Had Charles accepted it, he would probably have been replaced on his throne; but whether he distrusted their sincerity, or relied on the presbyterians, or had persuaded himself that both parties would fall in the present struggle, he returned a peremptory refusal, adding, "You cannot stand without my support, and that support I will not sell at so mean a price."† This answer created a strong feeling of disappointment and displeasure: and a party of soldiers, bursting into the bed chamber of lord Lauderdale, ordered him to rise and depart without a moment's delay. It was in vain that he pleaded his duty as commissioner from the estates of Scotland, or that he solicited the favour of a short interview with the king: he was compelled to rise and hasten back to the capital.‡

By this time information of the proceedings in London had induced Fairfax to collect his forces and march towards the city. On the way he was joined by the speakers of both houses, eight lords and fifty-eight commoners, who in a council held at Sion house solemnly bound themselves "to live and die with the army." Here it was understood that many royalists had joined the presbyterians, and that a declaration had been circulated in the name of the king, condemning all attempts to make war on the parliament. The officers, fearing the effect of this intelligence on the minds of the military, al-

* They proposed that decayed and inconsiderable boroughs should be disfranchised, that the number of county members should be increased, and that the increase should be proportionate to the rates of the counties in the common charges of the kingdom. Charles's Works, 579.

† This, however, was the opinion of other statesmen besides the king. Hyde writes to sir John Berkeley, "If they see you will not yield, they must; for sure they have as much or more need of the king than he of them." Clarendon papers, ii. 379.

‡ Compare the narratives of Ludlow (i. 174—178.) and Huntingdon (Journals, x. 410.) with the proposals of the army in Charles's Works, (578.) The insult to Lauderdale is mentioned in the Lords' Journals, ix. 367.

ready exasperated by the refusal of their proposals, conjured Charles to write a conciliatory letter to the general, in which he should disavow any design of assisting the enemy, should thank the army for its attention to his comfort, and should commend the moderation of their plan of settlement in many points, though he could not consent to it in all. The ill-fated monarch hesitated; the grace of the measure was lost by a delay of twenty-four hours; and though the letter was at last sent, it did not arrive before the city Aug. 3. had made an offer of submission. In such circumstances it could serve no useful purpose. It was interpreted as rather an artifice to cover the king's intrigues with the presbyterians, than a demonstration of his good will to the army.*

To return to the city, Hollis and his colleagues had resumed the ascendancy during the secession Enters the city.
of the independents. The eleven members returned to the house: the command of the militia was restored to the former committee; and a vote was passed that the king should be invited to Westminster. At the same time the common council resolved to raise by subscription a loan of £10,000, and to add auxiliaries to the trained bands to the amount of eighteen regiments. Ten thousand men were already in arms: 400 barrels of gunpowder, with other military stores, were drawn from the magazine in the Tower, and the presbyterian generals, Massey, Waller, and Poyntz, gladly accepted the command.† But the event proved that these were empty menaces. In proportion as it was known that Fairfax had begun his march, that Aug. 5. he had reviewed the army on Hounslow heath, and that he had fixed his head-quarters at Hammersmith, the sense of danger cooled the fervour of enthusiasm, and the boast of resistance was insensibly exchanged for offers of submission. The militia of Southwark openly fraternised with the army: the works on the line of communication were abandoned; and the lord mayor, on a promise that no violence should be offered to the inhabitants, ordered the gates to be thrown open. The next morning was Aug. 6. celebrated the triumph of the independents. A regiment of infantry, followed by one of cavalry, entered the

* Journals, 359: 375. Heath, 140. Ludlow, i. 181. Charles afterwards disavowed the declaration, and demanded that the author and publisher should be punished. Whitelock, 267. There are two copies of his letter, one in the Clarendon papers, ii. 373.; another and shorter in Parliamentary History, xv. 205.

† Journals, x. 13. 16, 17.

city: then came Fairfax on horseback, surrounded by his body guards, and a crowd of gentlemen; a long train of carriages, in which were the speakers and the fugitive members, succeeded; and another regiment of cavalry closed the procession. In this manner, receiving as they passed the forced congratulations of the mayor and the common council, the conquerors marched to Westminster, where each speaker was placed in

And gives
the law to
the parlia-
ment.

his chair by the hand of the general.* Of the lords who had remained in London after the secession, one only, the earl of Pembroke, ventured to appear: and he was suffered to make his peace by a declaration that he considered all the proceedings during the absence of the members compulsory, and therefore null. But in the lower house the presbyterians and their adherents composed a more formidable body: and by their spirit and perseverance, though they could not always defeat, frequently embarrassed the designs of their opponents. To many things they gave their assent; they suffered Maynard and Glyn, two members, to be expelled, the lord mayor, one of the sheriffs, and four of the aldermen, to be sent to the Tower, and the seven peers who sat during the secession of their colleagues to be impeached. But a sense of danger in-

duced them to oppose a resolution sent from the lords, to annul all the votes passed from the 26th of July to the 6th of August. Four times, contrary to the practice of the house, the resolution was brought forward, and as often, to the surprise of the independents, was rejected. Fairfax hastened to the aid of his friends. In a letter to the speaker, he condemned the conduct of the commons as equivalent to an approval of popular violence, and hinted the necessity of removing from

the house the enemies of the public tranquillity:

Aug. 20. The next morning the subject was resumed: the presbyterians made the trial of their strength on an amendment, and finding themselves out-numbered, suffered the resolution to pass without a division.†

The king
listens to
the coun- As the army did not intend to remove from the vicinity of the metropolis, the palace of Hampton court was selected for the residence of the king.

* Whitelock, 261—264. Leicester's journal, 27. Baillie calls this surrender of the city "an example rarely paralleled, if not of treachery, yet at least of childish improvidence and base cowardice." ii. 259. The eleven members instantly fled. Leicester, *ibid*.

† Journals, 375. 385. 388. 391—398. Commons, iv. Aug. 9, 10, 17, 19, 20.

There the principal officers appeared to vie with each other in their attention to his comfort. He was now indulged with the company of his children, whenever he pleased to command their attendance, and with the pleasure of hunting, on his promise not to attempt an escape; all persons whom he was content to see, found ready admission to his presence; and, what he prized above all other concessions, he was furnished with the opportunity of corresponding freely and safely with the queen at Paris.*

sels of the
officers.

Aug. 24.

At the same time the two houses, at the requisition of the Scottish commissioners, submitted

Sept. 8.

"the propositions" once more to the royal consideration: but Charles replied, that the plan suggested by the army was better calculated to form the basis of a lasting peace, and professed his readiness to treat respecting that

Sept. 11.

plan with commissioners appointed by the parliament, and others by the army.† The officers applauded this answer: Cromwell in the commons spoke in its favour with a vehemence which excited suspicion; and, though it was ultimately voted a refusal, a grand committee was appointed

Sept. 22.

"to take the whole matter respecting the king into consideration." It had been calculated that this attempt to amalgamate the plan of the parliament with that of the army might be accomplished in the space of twenty days; but it occupied more than two months: for there was now a third house to consult, the council of war, which debated every clause, and notified its resolves to the lords and commons, under the modest, but expressive, name of the desires of the army.‡

While the king sought thus to flatter the officers, he doubted their sincerity, and was, according to his custom, employed in treating with the opposite party. The marquis of Ormond, and the lord Capel,§ with the Scottish commissioners, waited on him, from London;

And in-
trigues
against

* Clarendon papers, ii. 381. Appendix, xli. Rush. vii. 795. *Memoirs of Hamiltons*, 316.

† Of this answer, Charles himself says to the Scottish commissioners, "Be not startled at my answer which I gave yesterday to the two houses; for if you truly understand it, I have put you in a right way, where before you were wrong." *Memoirs of Hamiltons*, 323.

‡ Ludlow, i. 184. Whitelock, 269. Huntingdon in *Journals*, x. 410. *Journals*, v. Sept. 22. On the division Cromwell was one of the tellers for the Yea, and colonel Rainsborough, the chief of the levellers, for the No. It was carried by a majority of 84 to 34. *Ibid*.

§ Capel was one of the most distinguished of the royalist commanders, and had lately returned from beyond the sea with the permission of parliament.

them. and a resolution was formed that in the next spring, October. the Scots should enter England with a numerous army, and call on the presbyterians for their aid; that Charles, if he were at liberty, otherwise the prince of Wales, should sanction the enterprise by his presence; and that Ormond should resume the government of Ireland, while Capel summoned to the royal standard the remains of the king's party in England. Such was the outline of the plan; the minor details had not been arranged, when Cromwell, either informed by his spies, or prompted by his suspicions, complained to Ashburnham of the incurable duplicity of his master, who was at the same time soliciting the aid, and plotting the destruction, of the army.*

But by this time a new party had risen, equally formidable to royalists, presbyterians, and independents. Its founders were a few fanatics in the ranks, who enjoyed the reputation of superior godliness. They pretended not to knowledge or abilities; they were but humble individuals, to whom God had given reason for their guide, and whose duty it was to act as that reason dictated. Hence they called themselves rationalists, a name which was soon exchanged for the more expressive appellation of levellers. In religion they rejected all coercive authority; men might establish a public worship at their pleasure, but, if it were compulsory, it became unlawful by forcing conscience, and leading to wilful sin: in politics they taught that it was the duty of the people to vindicate their own rights, and do justice to their own claims. Hitherto the public good had been sacrificed to private interest; by the king, whose sole object was the recovery of arbitrary power; by the officers, who looked forward to commands, and titles, and emoluments; and by the parliament, which sought chiefly the permanence of its own authority. It was now time for the oppressed to arise, to take the cause into their own hands, and to resolve "to part with their lives, before they would part with their freedom."† These doctrines were rapidly

* Clarendon, iii. 70—72—75. Of the disposition of the Scottish parliament, we have this account from Baillie: "if the king be willing to ratify our covenant, we are all as one man to restore him to all his rights, or die by the way; if he continue resolute to reject our covenant, and only to give us some parts of the matter of it, many here will be for him, even on these terms; but divers of the best and wisest are irresolute, and wait till God give more light." Baillie, ii. 260.

† Clarendon papers, ii. App. xl. Walker, History of independents, 194. Rushworth, vii. 845. Hutchinson, 287. Secretary Nicholas, after mentioning the rationalists, adds, "There are a sect of women lately come from foreign parts, and lodged in Southwark, called Quakers, who swell, shiver,

diffused: they made willing converts of the dissolute, the adventurous, and the discontented; and a new spirit, the fruitful parent of new projects, began to agitate the great mass of the army. The king was seldom mentioned but in terms of abhorrence and contempt: he was an Ahab or Coloquintida, the everlasting obstacle to peace, the cause of dissention and bloodshed. A paper entitled "the case of the army," accompanied with another under the name of "the agreement of the people," was presented to the general by the agitators of eleven regiments. They offered, besides a statement of grievances, a new constitution for the kingdom. It made no mention of king or lords. The sovereignty was said to reside in the people, its exercise to be delegated to their representatives, but with the reservation of equality of law, freedom of conscience, and freedom from forced service in the time of war; three privileges of which the nation would never divest itself: parliaments were to be biennial, and to sit during six months; the elective franchise to be extended, and the representation to be more equally distributed. These demands of the levellers were strenuously supported by the colonels Pride and Rainsborough, and as fiercely opposed by Cromwell and Ireton. The council of officers yielded so far as to require that no more addresses should be made to the king: but the two houses voted the papers destructive of the government, and ordered the authors to be prosecuted; though at the same time, to afford some satisfaction to the soldiery, they resolved, that the king was bound to give the royal assent to all laws for the public good, which had been passed and presented to him by the lords and commons.*

Nov. 1.

Nov. 6.

Charles now began to tremble for his safety. He saw that the violence of the levellers daily increased; that the officers, who professed to be his friends, were become objects of suspicion; that Ireton had been driven from the council, and Cromwell threatened with impeachment; that several regiments were in a state of complete insubordination; and that Fairfax himself doubted of his power to restore the discipline of the army. Under these circumstances he revoked the pledge which he had given to the general: and immediately the guards were doubled, several of his servants dismissed, and

The king's escape.

and shake; and when they come to themselves (for in all the time of their fits Mahomet's holy ghost converses with them) they begin to preach what hath been delivered to them by the spirit." Clarendon papers, ii. 383.

* Clarendon papers, ii. App. 39. xl. xli. Journals, v. Nov. 5, 6. Rushworth, vii. 849. 857. 860. 863. Whitelock, 274—277.

the gates closed against the introduction of strangers. Whether these precautions were taken to prevent an escape, or to

Nov. 11. lull suspicion, is uncertain: but ten days later, at the hour of supper, the king was missing: and on his table were found several written papers, of which one was an anonymous letter, warning him of danger to his person, and another a message from himself to the two houses, promising, that though he had sought a more secure asylum, he should be always ready to come forth, "whenever he might be heard with honour, freedom, and safety."*

He is secured in the Isle of Wight. This unexpected escape drew from the parliament threats of vengeance against all persons who should presume to harbour the royal fugitive: but in the course of three days the intelligence arrived, that he was again a prisoner in the custody of colonel Hammond, who had very recently been appointed governor of the isle of Wight. The king, accompanied by Legge, groom of the chamber, had on the evening of his departure, descended the back stairs into the garden, and repaired to a spot where Berkeley and Ashburnham waited his arrival. A dark and stormy night favoured their escape; and they reached in the course of the next day Tichfield house, where

Nov. 12. they were cheerfully received by the dowager countess of Southampton. Thence Berkeley and Ashburnham proceeded to the isle of Wight to solicit the protection of Hammond, an officer highly trusted by Crom-

Nov. 13. well, and nephew to one of the king's chaplains. It is acknowledged that his answer was reserved and cautious: that he professed himself willing to treat the king with honour: but must as a servant obey the orders of his superiors. Taking with him another officer and a file of soldiers, he accompanied the messengers to Tichfield: when Ashburnham announced to Charles that Hammond was below, expecting his majesty's orders, the unfortunate prince exclaimed: "Have you brought him here? Then I am a lost man." Hammond was introduced; and Charles mingling promises with flattery, threw himself upon his honour: but the governor was careful not to commit himself: he replied in language dutiful, yet ambiguous: and the king, unable to extricate himself from the danger, with a cheerful countenance, but misboding heart, consented to accompany him to the island. The governor ordered every demonstra-

* Journals, ix. 520. Rushworth, vii. 871. Clarendon, iii. 77. *Memoirs of Hamiltons*, 324. Huntingdon, in *Journals*, (x. 411.) affirms that Cromwell also wrote a letter to the governor announcing the king's danger.

tion of respect to be paid to the royal guest, and lodged him in Carisbrook castle.*

The increasing violence of the levellers, and the mutinous disposition of the army, had awakened the most serious apprehensions in the superior officers: and Fairfax, by the advice of the council, dismissed the agitators to their respective regiments, and ordered the several corps to assemble in three brigades on three different days. Against the time a remonstrance was prepared in his name, in which he complained of the calumnies circulated among the soldiers, stated the objects which he had laboured to obtain, and offered to persist in his endeavours, provided the men would return to their ancient habits of military obedience. All looked forward with anxiety to the result: but no one with more apprehension than Cromwell. His life was at stake. The levellers had threatened to make him pay with his head the forfeit of his intrigues with Charles: and the flight of that prince, by disconcerting their plans, had irritated their former animosity. The remonstrance was ordered to be read in succession to each regiment, beginning with those the best affected to the officers. It was answered with acclamations: the men hastened to subscribe an engagement to obey the commands of the general; and the sowers of discord, the distributors of seditious pamphlets, were pointed out, and taken into custody. From these corps Fairfax proceeded to two regiments, which had presumed to come on the ground without orders. The first, after some discourse, submitted; the second was more obstinate. The privates had expelled the majority of the officers, and wore round their hats this motto, "The people's freedom, and the soldiers' rights." Cromwell darted into the ranks to seize the ringleaders; his intrepidity daunted the mutineers; one man was immediately shot, three more were condemned, and several others were reserved as

Mutiny suppressed.

Nov. 8.

Dec. 15.

* Journals, ix. 525. Rushworth, vii. 874. Clarendon, iii. 78—85. Herbert, 52. Ludlow, i. 187—191. It has often been asked where the king meant to go, after he had escaped; and a story told by Clarendon has induced some to suppose that Jersey was his object. But it appears from the testimony of Lauderdale, that when the Scottish commissioners left him, he had fixed on Berwick as a frontier town, in which he might rely on the support of the Scots, without furnishing his enemies with the pretext of saying that he had abdicated the crown by quitting the kingdom. He afterwards changed his opinion, probably at the suggestion of Cromwell (Hollis, 186.), and preferred the isle of Wight, as a place where he might easily treat with the parliament. This is plain, from his letter to the earl of Lanerc. See *Memoirs of Hamiltons*, 326.

pledges for the submission of their comrades.* By this act of vigour the officers triumphed, and subordination was restored: but the danger furnished an instructive lesson to Cromwell, who from that day forgot his engagement to the king, and sought to make himself friends both in the parliament and the army. It required some time before the chief matters in dispute between them could be satisfactorily arranged: but partly by threats, partly by condescension, an

Dec. 24. accommodation was effected, and the officers observed a solemn fast to beg the blessing of heaven on the nation. Cromwell and Ireton lost not this opportunity of proving that their spiritual gifts were equal to their military talents. To the edification of their hearers, they poured out their souls in long and extemporary prayer; and it was confidently asserted that "more harmonious music had never ascended to the ear of the Almighty."†

The king had yet no reason to repent of his confidence in Hammond: but that governor, while he granted every indulgence to his captive, had no intention of separating his own lot from that of the army. He consulted the officers at the head quarters, and secretly resolved to adhere to their instructions. Charles recommenced his former intrigues. Through the agency of Dr. Gough, one of the queen's chaplains, he sought to prevail on the Scottish commissioners to waive the confirmation of the covenant, as the only price at which they would furnish him with an army; he sent sir John Berkeley to Cromwell and his friends, to remind them of their promises, and to solicit their aid towards a personal

Nov. 16. treaty; and by a message to the parliament he proposed, in addition to his former offers, to surrender the command of the army during his life, to exchange the profits of the court of wards for a yearly income, and to provide funds for the discharge of the monies due to the military and to the public creditors. The neglect with which this message was received, and the discouraging answer returned by the officers, awakened his apprehen-

Dec. 8. sions: they were confirmed by the Scottish commissioners, who, while they complained of his late offer as a violation of his previous engagement, assured him that many of his enemies sought to make him a close prisoner,

* Whitelock, 278. Journals, ix. 527. Ludlow, i. 192. It was reported among the soldiers that the king had promised to Cromwell the title of earl with a blue riband, to his son the office of gentleman of the bed-chamber to the prince, and to Ireton the command of the forces in Ireland. Hollis, 127.

† Clarendon papers, ii. App. xliv. Whitelock, 284.

and that others openly talked of removing him either by a legal trial, or by assassination. These warnings induced him to arrange a plan of escape: application was made to the queen for a ship of war to convey him from the island; and Berwick was selected as the place of his retreat.* He had, however, but little time to spare. As their ultimatum, and the only condition on which they would consent to a personal treaty, the houses demanded the royal assent to four bills which they had prepared.† The Scots, to delay the proceedings, asked for a copy of the bills, and remonstrated against the alterations which had been made in the propositions of peace. Their language was bold and irritating: they characterized the conduct of the parliament as a violation of the league and covenant: and they openly charged the houses with suffering themselves to be controlled by a body, which owed its origin and its subsistence to their authority. But the independents were not to be awed by the clamour of men, whom they knew to be enemies under the name of allies: they voted the interference of any foreign nation in acts of parliament a denial of the independence of the kingdom, and they ordered the bills to be laid before the king for his assent without further delay. The Scots hastened to Carisbrook, in appearance to protest against them, but with a more important object in view. They now relaxed from their former obstinacy: they no longer insisted on the confirmation of the covenant, but

Dec. 14.

Dec. 15.

Dec. 18.

Dec. 4.

* *Memoirs of Hamilton*, 325—333. *Ludlow*, i. 195—201.

† The first of these bills, after vesting the command of the army in the parliament for twenty years, enacted, that after that period, whenever the lords and commons should declare the safety of the kingdom to be concerned, all bills passed by them respecting the forces by sea or land, should be deemed acts of parliament, even though the king for the time being should refuse his assent; the second declared all oaths, proclamations, and proceedings against the parliament during the war, void and of no effect: the third annulled all titles of honour granted since the 20th of May, 1642, and deprived all peers to be created hereafter of the right of sitting in parliament, without the consent of the two houses; and the fourth, gave to the houses the power of adjourning from place to place at their discretion. *Journals*, ix. 575. *Charles' works*, 590—593. Now let the reader turn to *Clarendon*, history iii. 88. He tells us, that by one the king was to have confessed himself the author of the war, and guilty of all the blood which had been spilt; by another he was to dissolve the government of the church, and grant all lands belonging to the church to other uses; by a third, to settle the militia without reserving so much power to himself, as any subject was capable of; and in the last place, he was in effect to sacrifice all those who had served him, or adhered to him, to the mercy of the parliament. When this statement is compared with the real bills, it may be judged how little credit is due to the assertions of *Clarendon*, unless they are supported by other authorities.

were content with a promise, that Charles should make every concession in point of religion, which his conscience would allow. The treaty which had been so long in agitation between them, was privately signed: and the king

Dec. 28. returned this answer to the two houses, that neither his present sufferings, nor the apprehension of worse treatment, should ever induce him to give his assent to any bills as a part of the agreement, before the whole was concluded.*

Aware of the consequences of his refusal, Charles had resolved to anticipate the vengeance of the parliament, by making his escape the same evening; but he was prevented by the vigilance of Hammond, who, whether he had discovered the design, or had previously received his instructions, closed the gates on the departure of the commissioners, doubled the guards, confined the royal captive to his chamber, and dismissed the greater part of his attendants. An attempt to raise in his favour the inhabitants of the island, was instantly suppressed, and its author, Burley, formerly a captain in the royal

1648.
Jan. 3. army, suffered the punishment of a traitor. The houses resolved, (and the army promised to live and die with them in defence of the resolution,) that they would receive no additional message from the king; that they would send no address or application to him; that, if any other person did so without leave, he should be subject to the penalties of high treason; and that the committee of public safety should be renewed to sit and act alone, without the aid of foreign coadjutors. This last hint was understood by the Scots: they made a demand of the £100,000 due to them by the treaty of evacuation, and announced their intention of returning immediately to their own parliament.†

Jan. 15. The king appeared to submit with patience to the new restraints imposed on his freedom; he even affected an air of cheerfulness, to disguise the design which he still cherished of making his escape. The immediate charge of his person had been intrusted to four warders of approved fidelity, who, two at a time, undertook the task in rotation. They

King subjected to farther restraint.

Feb. 2.

* Journals, ix. 575. 578. 582. 591. 604. 615. 621. Charles' works, 594. Memoirs of Hamiltons, 334.

† The vote of non-addresses passed by a majority of 141 to 92. Journals, v. Jan. 3. See also Jan. 11. 15, 1648. Lords' Journals, ix. 640. 662. Rushworth, vii. 953. 961. 965. Leicester's Journals, 30.

accompanied the captive wherever he went, at his meals, at his public devotions, during his recreation on the bowling-green, and during his walks round the walls of the castle. He was never permitted to be alone, unless it were in the retirement of his bed-chamber; and then one of the two warders was continually stationed at each of the doors which led from that apartment. Yet in defiance of these precautions (such was the ingenuity of the king, so generous the devotion of those who sought to serve him,) he found the means of maintaining a correspondence with his friends on the coast of Hampshire, and through them with the English royalists, the Scottish commissioners in Edinburgh, the queen at Paris, and the duke of York at St. James', April 22. who soon afterwards, in obedience to the command of his father, escaped in the disguise of a female to Holland.*

In the mean while an extraordinary ferment seemed to agitate the whole mass of the population. With the exception of the army, every class of men was dissatisfied. Though the war had ceased twelve months before, the nation enjoyed few of the benefits of peace. Those forms and institutions, the safeguards of liberty and property, which had been suspended during the contest, had not been restored: the committees in every county continued to exercise the most oppressive tyranny, and a monthly tax was still levied for the support of the forces, exceeding in amount the sums which had been exacted for the same purpose during the war. No man could be ignorant that the parliament, nominally the supreme authority, was under the control of the council of officers; and the continued captivity of the king, the known sentiments of the agitators, and, above all, the vote of non-addresses, provoked a general suspicion, that it was in contemplation to abolish the monarchical government, and to introduce in its place a military despotism. Four-fifths of the nation began to wish for the re-establishment of the throne. Much diversity of opinion prevailed with respect to the conditions; but all agreed that what Charles had so often demanded, a personal treaty, ought to be granted, as the most likely means to

Public opinion in his favour.

* Journals, x. 35. 76. 220. Rushworth, vii. 984. 1002. 1067. 1109. Clarendon, iii. 129. One of those through whom Charles corresponded with his friends, was Firebrace, who tells us that he was occasionally employed by one of the warders to watch for him at the door of the king's bed-chamber, and on such occasions gave and received papers through a small crevice in the boards. See his account in the additions to Herbert's Memoirs, p. 187.

reconcile opposite interests, and to lead to a satisfactory arrangement.

In the army itself, the principles of the levellers had been embraced by the majority of the privates, and had made several converts among the officers. These fanatics had discovered in the Bible, that the government of kings was odious in the sight of God;* and contended that in fact Charles had now no claim to the sceptre. Protection and allegiance were reciprocal. At his accession he had bound himself by oath to protect the liberties of his subjects, and by the violation of that oath, he had released the people from the obligation of allegiance to him. For the decision of the question he had appealed to the God of battles, who, by the result; had decided against his pretensions. He therefore was answerable for the blood which had been shed; and it was the duty of the representatives of the nation to call him to justice for the crime, and in order to prevent the recurrence of similar mischiefs, to provide for the liberties of all, by founding an equal commonwealth on the general consent. Cromwell invited the patrons of this doctrine to meet at his house the grandees (so they were called) of the parliament and army. The question was argued: but both he and his colleagues were careful to conceal their real sentiments. They did not openly contradict the principles laid down by the levellers, but they affected to doubt the possibility of reducing them to practice. The truth was, that they wished not to commit themselves by too explicit an avowal, before they could see their way plainly before them.†

In this feverish state of the public mind in England, every eye was turned towards the proceedings in Scotland. For some time a notion had been cherished by the Scottish clergy, that the king at Carisbrook had not only subscribed to the covenant, but had solemnly engaged to enforce it throughout his dominions; and the prospect of a speedy triumph over the independents induced them to preach a crusade from the pulpit in favour of the kirk and the throne. But the return of the commissioners, and the publication of "the agreement" with the king, bitterly disappointed their hopes. It was found that Charles had indeed consented to the establishment of presbyterianism in England, but only as an experiment for three years, and with the liberty of dissent both for himself, and

The Scots
take up
arms for
the king.

* 1 Kings, viii. 8.

† Ludlow, i. 206. Whitelock, 317.

for those who might choose to follow his example. Their invectives were no longer pointed against the independents; "the agreement" and its advocates became the objects of their fiercest attacks. Its provisions were said to be unwarranted by the powers of the commissioners, and its purpose was pronounced an act of apostacy from the covenant, an impious attempt to erect the throne of the king in preference to the throne of Christ. Their vehemence intimidated the Scottish parliament, and admonished the duke of Hamilton to proceed with caution. That nobleman, whose imprisonment ended with the surrender of Pendennis, had waited on the king in Newcastle; a reconciliation followed; and he was now become the avowed leader of the royalists, and the moderate presbyterians. That he might not irritate the religious prejudices of his countrymen, he sought to mask his real object, the restoration of the monarch, under the pretence of suppressing heresy and schism: he professed the deepest veneration for the covenant, and the most implicit deference for the authority of the kirk; he listened with apparent respect to the remonstrances of the clerical commission, and openly solicited its members to aid the parliament with their wisdom, and to state their desires. But these were mere words intended to lull suspicion. By dint of numbers (for his party comprised two-thirds of the convention), he obtained the appointment of a committee of danger; this was followed by a vote to place the kingdom in a posture of defence; and the consequence of that vote was the immediate levy of reinforcements for the army. But his opponents under the earl of Argyle, threw every obstacle in his way. They protested in parliament against the war; the commissioners of the kirk demanded that their objections should be previously removed; and the ministers from their pulpits denounced the curse of God on all who should take a share in the unholy enterprise. Forty thousand men had been voted: but though force was frequently employed, and blood occasionally shed, the levy proceeded so slowly, that even in the month of July the grand army did not exceed one fourth of that number.*

By the original plan devised at Hampton court, it had been arranged that the entrance of the Scots into England should be the signal for a simultaneous rising of the royalists in every quarter

Also the
English
royalists..

* Memoirs of the Hamiltons, 339. 347. 353. Rushworth, vii. 1031. 48. 52. 67. 114. 132. and two circumstantial and interesting letters from Bailie, ii. 280—297. Whitelock, 305.

of the kingdom. But the former did not keep their time, and the zeal of the latter could not brook delay. The first who

proclaimed the king, was a parliamentary officer, March 3. colonel Poyer, mayor of the town, and governor of the castle of Pembroke. He refused to resign his military appointment at the command of Fairfax: and to justify his refusal unfurled the royal standard. Poyer was joined by Langherne and Powel, two officers whose forces had lately been disbanded. Several of the men hastened to the aid of their former leaders; the cavaliers ran to arms in both divisions of the principality; Chepstow was surprised, Carnarvon besieged, and colonel Fleming de-

feated. By these petty successes the unfortunate May 1. men were lured on to their ruin. Horton checked their progress; Cromwell followed with five regiments to punish their presumption. The tide immediately

changed. Langherne was defeated; Chepstow May 8. was recovered; the besiegers of Carnarvon were cut to pieces. On the refusal of Poyer to surrender, the lieutenant-general assembled his corps after sunset, and the fanatical Hugh Peters foretold that the ramparts of Pembroke, like those of Jericho, would fall before the army of the living God. From prayer and sermon the men hastened to the assault: the ditch was passed, the walls were scaled; but they found the garrison at its post, and after a short, but sanguinary contest, Cromwell ordered a retreat. A regular siege was now formed: and the independent general, notwithstanding his impatience to proceed towards the north, was detained more than six weeks before this insignificant fortress.*

Scarcely a day passed, which was not marked Feigned by some new occurrence indicative of the ap-
reconcilia- proaching contest. An alarming tumult in the
tion of the city, in which the apprentices forced the guard,
army and the city. and ventured to engage the military under the
April 9. command of the general, was quickly followed
by similar disturbances in Norwich, Thetford, Canterbury, Exeter, and several other towns. They were, indeed, suppressed by the vigilance of Fairfax and the county committees; but the cry of "God and the king," echoed and re-echoed by the rioters on these occasions, sufficiently proved that the popular feeling was setting fast in favour of royalty. At the same time petitions from different public bodies poured into the two houses, all concurring in the same prayer,

* Lords' Journals, x. 88. 253. Rushworth, vii. 1016. 38. 66. 97. 129. Heath, 171. Whitelock, 303. 305.

that the army should be disbanded, and the king brought back to his capital.* The independent leaders, aware that it would not be in their power to control the city while their forces were employed in the field, sought a reconciliation: the parliament was suffered to vote that April 28. no change should be made in the fundamental government of the realm by king, lords, and commons; and the citizens in return engaged themselves to live and die with the parliament. Though the promises on both sides were known to be insincere, it was the interest of each to dissemble. Fairfax withdrew his troops from Whitehall and the Mews; the charge of the militia was May 2. once more intrusted to the lord mayor and the aldermen; and the chief command was conferred on Skippon, an officer, who, if he did not on every subject agree with the independents, was yet distinguished by his marked opposition to the policy of their opponents.

The inhabitants of Surrey and Essex felt dissatisfied with the answers given to their petitions: those of Kent repeatedly assembled to consider their grievances, and to consult on the means of redress. These meetings, which originated with a private gentleman of the name of Hales, soon assumed the character of loyalty and defiance. Associations were formed, arms collected, and plans arranged. In a few days the spirit which prevailed on land communicated itself to the ships in the river: six men of war, fully equipped for the summer service, declared in favour of the king: May 27. and the mariners, in defiance of the arguments and entreaties of Rainsborough, their commander, and the earl of Warwick, who addressed them in the character of lord high admiral, proceeded under the royal colours to the Hague, in search of the young duke of York, whom they chose for their commander-in-chief. But the alarm excited by the revolt of the fleet, was quieted by the success of Fairfax against the insurgents on land. The cavaliers had ventured to oppose him in the town of Maidstone, and for six hours, aided by the advantage of their position, they resisted the efforts of the enemy; but their loss was proportionate to their valour, and two hundred fell in the streets, four hundred were made prisoners. Many of the countrymen, discouraged by this defeat, hastened to their

Insurrection in Kent.
May 23.

June 1.

* Journals, 243. 60. 67. 72. Commons, April 13, 27. May 16. White-lock, 299. 302, 3. 5, 6.

- homes. Goring, earl of Newport, putting himself at the head of a different body, advanced to Blackheath, and solicited admission into the city. It was a moment big, with the most important consequences. The king's friends formed a numerous party; the common council wavered; and the parliament possessed no armed force to support its authority. The leaders saw that they had but one resource, to win by conciliation. The
- June 2. aldermen imprisoned at the request of the army were set at liberty; the impeachment against the six lords was discharged; and the excluded members were permitted to resume their seats. These concessions, aided by the terror which the victory at Maidstone inspired, and by the vigilance of Skippon, who intercepted all communication between the royalists and the party at Blackheath, defeated the project of Goring. That commander,
- June 3. having received a refusal, crossed the river, called the men of Essex to his assistance, and fixed his head-quarters in Colchester. The town had no other fortification than a low rampart of earth; but, relying on his own resources, and the constancy of his followers, he resolved to defend it against the enemy, that he might detain Fairfax and his army in the south, and keep the north open to the advance of the Scots. This plan succeeded: Colchester was assailed and defended with equal resolution; nor was its fate decided till the failure of the Scottish invasion had proved the utter hopelessness of the royal cause.*
- June 4.

It soon appeared that the restoration of the Presbyterians again impeached and excluded members, combined superior in with the departure of the officers to their commands in the army, had imparted a new tone parliament. to the proceedings in parliament. Hollis resumed not only his seat, but his preponderance in the lower house. The measures which his party had formerly approved, were again adopted; and a vote was passed to open a new treaty with the king, on condition that he should previously engage to give the royal assent to three bills, revoking all declarations against the parliament, establishing the presbyterian discipline for the term of three, and vesting the command of the army and navy in certain persons during that of ten years. But among the lords a more liberal spirit prevailed. The imprisonment of the six peers had taught them a salutary lesson. Aware that their own privileges would infallibly fall

* Journals, x. 276. 8, 9. 283. 9. 297. 301. 304. Commons, May 24, 25. June 4. 8. Whitelock, 307, 8, 9. 310. Clarendon, iii. 133. 151. 154.

with the throne, they rejected the three bills of the commons, voted a personal treaty without any previous conditions, and received from the common council an assurance that, if the king were suffered to come to London, the city would guarantee both the royal person and the two houses from insult and danger. But Hollis and his adherents refused to yield; conference after conference was held; and the two parties continued for more than a month to debate the subject without interruption from the independents. These had no leisure to attend to such disputes. Their object was to fight and conquer, under the persuasion that victory in the field would restore to them the ascendancy in the senate.*

It was now the month of July, and the English royalists had almost abandoned themselves to despair; when they received the cheering intelligence that the duke of Hamilton had at last crossed the borders at the head of 30,000 men. Report had indeed exaggerated his force, which did not amount to more than half that number; but he was closely followed by Monroe, who led 3000 veterans from the Scottish army in Ireland, and was accompanied or preceded by sir Marmaduke Langdale, the commander of 4000 cavaliers, men of approved valour, and who had staked their all on the result. With such an army a general of talent and enterprise might have re-placed the king on his throne; but Hamilton, though possessed of personal courage, was diffident of his own powers, and resigned himself to the guidance of men who sacrificed the interests of the service to their private jealousies and feuds. Forty days were consumed in a short march of eighty miles; and when the decisive battle was fought, though the main body had reached the left bank of the Ribble near Preston, the rear guard, under Monroe, slept in security at Kirkby Lonsdale. Cromwell having with difficulty reduced Pembroke, had joined Lambert, the parliamentary general, in Yorkshire. Their united force did not exceed 9,000 men: but the impetuosity of the general despised inequality of numbers; and the ardour of his men induced him to lead them without delay against the enemy. From Clithero, Langdale, who had watched his motions, fell back on the Scottish army near Preston, and warned the duke to prepare for battle on the following day. Of the disasters which followed it is impossible to form any consistent notion from the discordant statements of the Scottish officers, each of whom,

Defeat of
the Scots.
July 8.

Aug. 18.

* Journals, 308. 349. 351. 362. 364. 367. Commons, July 5. Whitelock, 315, 316. 318, 319.

anxious to exculpate himself, laid the chief blame on some of his colleagues. This only is certain, that the cavaliers fought with the obstinacy of despair; that for six hours they bore the whole brunt of the battle; that as they retired from hedge to hedge, they solicited from the Scots a reinforcement of men, and a supply of ammunition; and that, unable to obtain either, they retreated into the town, where they learned to their surprise that their allies were in full march towards Wigan, and the enemy in possession of the bridge over the river. Langdale, in this extremity, ordered his infantry to disperse; and with the cavalry and the duke, who had refused to abandon his English friends, swam across the Ribble. Never, perhaps, was so complete a victory obtained at less expense. Of the Scottish forces, none but the regiments under Monroe and the stragglers who rejoined him, returned to their native country. Two-thirds of the infantry, in their eagerness to escape, fell into the hands of the neighbouring inhabitants;

Aug. 20. nor did Baillie, their general, when he surrendered at Warrington, number more than 3000 men under their colours. The duke wandered as far as Uttoxeter with the cavalry: there his followers mutinied,

Aug. 25. and he yielded himself a prisoner to general Lambert and the lord Grey of Groby. The cavaliers disbanded themselves in Derbyshire; their gallant leader, who travelled in disguise, was discovered and taken in the vicinity of Nottingham.*

On the very day on which the Scots began their march, a feeble attempt had been made to assist their advance by raising the city of London. Its author was one who by his inconstancy

had deservedly earned the contempt of every party, the earl of Holland. He had during the contest passed from the king to the parliament, and from the parliament to the king. His ungracious reception by the royalists induced him to return to their opponents, by whom he was at first treated with severity, afterwards with neglect. Whether it were resentment or policy, he now professed himself a true penitent, offered to redeem his past errors by future services, and obtained from the prince of Wales a commission to raise forces. As it had

July 5. been concerted between him and Hamilton, on the fifth of July he marched at the head of 500 horse, in warlike array, from his house in the city, and having fixed his quarters in the vicinity of Kingston, sent messages to the

* *Memoirs of Hamiltons*, 355—365. *Lords' Journals*, x. 455—458. *Rushworth*, vii. 1237. 1242.

parliament and the common council, calling on them to join him in putting an end to the calamities of the nation. On the second day, through the negligence, it was said, of Dalhies, his military confident, he was surprised, and fled with a few attendants to St. Neots: there a second action followed, and the earl surrendered at discretion to his pursuers. His misfortune excited little interest; but every heart felt compassion for two young noblemen whom he had persuaded to engage in this rash enterprise, the duke of Buckingham and his brother the lord Francis Villiers. The latter was slain at Kingston; the former, after many hair-breadth escapes, found an asylum on the continent.*

July 7.

July 10.

The discomfiture of the Scottish army was followed by the surrender of Colchester. While there was an object to fight for, Goring and his companions had cheerfully submitted to every privation; now that not a hope remained, they offered to capitulate, and received for answer that quarter would be granted to the privates, but that the officers had been declared traitors by the parliament, and must surrender at discretion. These terms were accepted: the council deliberated on the fate of the captives; and two, sir George

Surrender
of Colches-
ter.

Aug. 28.

Lisle and sir Charles Lucas, were selected for execution. Both had been distinguished by their bravery, and were reckoned among the first commanders in the royal service. Lucas, tearing open his doublet, exclaimed, "Fire, rebels!" and instantly fell. Lisle ran to him, kissed his dead body, and turning to the soldiers, desired them to advance nearer. One replied, "Fear not, sir, we shall hit you." "My friends," he answered, "I have been nearer, when you have missed me." The blood of these brave men impressed a deep stain on the character of Fairfax, nor was it wiped away by the efforts of his friends, who attributed their death to the revengeful counsels of Ireton.†

At this time the prince of Wales had been more than six weeks in the Downs. As soon as he heard of the revolt of the fleet, he repaired to the Hague, and taking upon himself the command, hastened with nineteen sail to the English coast.

Prince of
Wales in
the Downs.
July 20.

Had he appeared before the isle of Wight, there can be little doubt that Charles would have recovered his liberty; but the

* Clarendon, iii. 121. 176. Whitelock, 317, 318. 320. Lords' Journals, 367. Commons, July 7. 12. Leicester's Journal, 35.

† Journals, x. 477. Rushworth, vii. 1242. 1244. Clarendon, iii. 177.

council with the prince, decided that it was more for the royal interest to sail to the mouth of the river, where they long continued to solicit by letters the wavering disposition of the parliament and the city. While Hamilton advanced, there seemed a prospect of success: the destruction of his army extinguished their hopes. The king by a private message suggested that before their departure from the coast, they should free him from his captivity. But the mariners proved that they were the masters. They demanded to fight the hostile fleet under the earl of Warwick, who studiously avoided an engagement that he might be joined by a squadron from Portsmouth. During two days the royalists offered him battle: by different manœuvres he eluded their attempts; and on the third day the want of provisions compelled the prince to steer for the coast of Holland, without paying attention to the request of his royal father. Warwick, who had received his reinforcements, followed at a considerable distance: but, though he defended his conduct on motives of prudence, he did not escape the severe censure of the independents and levellers, who maintained that the cause had always been betrayed when it was intrusted to the cowardice or disaffection of noble commanders.*

Aug. 30.

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Treaty of
Newport.

July 28.

Aug. 19.

It is now time to revert to the contest between the two houses respecting the proposed treaty with the king. Towards the end of July the commons had yielded to the obstinacy of the lords: the preliminary conditions on which they had insisted, were abandoned, and the vote of non-address was repealed. Hitherto these proceedings had been marked, with the characteristic slowness of every parliamentary measure: but the victory of Cromwell over Hamilton, and the danger of interference on the part of the army, alarmed the presbyterian leaders; and fifteen commissioners, five lords, and

Sept. 1. ten commoners, were appointed to conduct the negotiation.† Charles repaired from his prison in Carisbrook castle to the neighbouring town of Newport: he was suffered to call around him his servants, his chaplains, and such of his counsellors, as had taken no part in the war; and, as far as outward appearances might be trusted, he had at length obtained the free and honourable treaty, which he had so often

* Lords' Journals, x. 399. 414. 417. 426. 444. 483. 488. 494. Clarendon papers, ii. 412. 414.

† They were the earls of Northumberland, Salisbury, Pembroke, and Middlesex, the lords Say and Seale, lord Wenman, sir Henry Vane, junior, sir Harbottle Grimstone, and Hollis, Pierrepont, Brown, Crew, Glyn, Potts, and Bulkely.

solicited. Still he felt that he was a captive, under promise not to leave the island till twenty days after the conclusion of the treaty; and he soon found in addition that he was not expected to treat, but merely to submit. How far the two houses might have yielded in other circumstances, is uncertain: but, under the present superiority of the army, they dared not descend from the lofty pretensions which they had formerly put forth. The commissioners were permitted to argue, to advise, to entreat: but they had no power to concede; their instructions bound them to insist on the king's assent to every proposition which had been submitted to his consideration at Hampton court. To many of these demands Charles made no objection; in lieu of those which he refused, he substituted proposals of his own. These were forwarded to the parliament, and voted unsatisfactory: he offered new expedients and modifications; but the same answer was invariably returned, till the necessity of his situation had wrung from the unfortunate prince his unqualified assent to most of the articles in debate. On four points only he remained inflexible. Though he agreed to suspend for three years, he refused to abolish entirely, the functions of the bishops: he objected to the perpetual alienation of the episcopal lands, but proposed to grant leases of them for lives or for ninety-nine years in favour of the present purchasers: he contended that all his followers, without any exception, should be admitted to compound for their delinquency; and he protested that till his conscience were satisfied of the lawfulness of the covenant, he would neither swear to it himself, nor impose it upon others. Such was the state of the negotiation, when the time allotted by the parliament expired.*

* The papers given in during this treaty may be seen in the *Lords' Journals*, x. 474—618. The best account is that composed by order of the king himself, for the use of the prince of Wales. *Clarendon papers*, ii. 425—449. I should add, that a new subject of discussion arose incidentally during the conferences. The lord Inchiquin had abandoned the cause of the parliament in Ireland, and at his request Ormond had been sent from Paris by the queen and the prince, to resume the government, with a commission to make peace with the catholic party. Charles wrote to him two letters (Oct. 10. 28. *Carte*, ii. app. xxxi. xxxii.) ordering him to follow the queen's instructions, to obey no command from himself as long as he should be under restraint; and not to be startled at his concessions respecting Ireland, for they would come to nothing. Of these letters the houses were ignorant: but they got possession of one from Ormond to the Irish catholics, and insisted that Charles should order the lord lieutenant to desist. This he eluded for some time, alleging that, if the treaty took effect, their desire was already granted by his previous concessions, if it did not, no order of his would be obeyed. At last he consented, and wrote the letter required. *Journals*, x. 576—578. 597. 618. *Clarendon papers*, ii. 441. 445. 452.

Plan of new
constitu-
tion.

The independents from the very beginning had disapproved of the treaty. In a petition presented by "thousands of well-affected persons in and near London," they enumerated the objects

Sept. 11.

for which they had fought, and which they now claimed as the fruit of their victory. Of these the principal were, that the supremacy of the people should be established against the negative voice of the king and of the lords: that to prevent civil wars, the office of the king and the privileges of the peers should be clearly defined; that a new parliament, to be elected of course and without writs, should assemble every year, but never for a longer time than forty or fifty days; that religious belief and worship should be free from restraint or compulsion; that the proceedings in law should be shortened, and the charges ascertained: that tithes for the support of the clergy, and perpetual imprisonment for debt, should be abolished; and that the parliament "should lay to heart the blood spilt, and the rapine perpetrated by commission from the king, and consider whether the justice of God could be satisfied, or his wrath be appeased, by an act of oblivion." This instrument is the more deserving of attention, because it points out the political views which actuated the leaders of the party.*

Hints of
bringing
the king to
trial.

In the army, flushed as it was with victory, and longing for revenge, maxims began to prevail of the most dangerous tendency in respect of the royal captive. The politicians maintained that no treaty could be safely made with the king, because if he were under restraint, he could not be bound by his consent, if he were restored to liberty, he could not be expected to make any concessions. The fanatics went still further. They had read in the book of Numbers that "blood defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it:" and hence they inferred that it was a duty, imposed on them by the God who had given them the victory, to call the king to a strict account for all the blood which had been shed during the civil war. Among these one of the most eminent was colonel Ludlow, a member of parliament, who, having persuaded himself that the anger of God could be appeased only by the death of Charles, laboured, though in vain, to make Fairfax a convert to his opinion. He proved more successful with Ireton, whose regiment petitioned the commander-in-chief, that crime might be impar-

Oct. 18.

* Whitelock, 335.

tially punished without any distinction of high or low, rich or poor; that all who had contrived or abetted the late rebellion, might receive their just deserts: and that whosoever should speak or act in favour of the king before he had been acquitted of shedding innocent blood, should incur the penalties of treason. The immediate object of this paper was to try the general disposition of the army. Though it did not openly express, it evidently contemplated the future trial of the king; and was followed by another petition Oct. 30.

from the regiment of colonel Ingoldsby, which in plainer and bolder terms demanded that the monarch and his adherents should be brought to justice; condemned the treaty between him and the parliament as dangerous and unjust; and required the appointment of a council of war to discover an adequate remedy for the national evils. Fairfax had not the courage to oppose what, in his own judgment, he disapproved: the petitions were laid before an assembly of officers; and the result of their deliberation was a remonstrance, which in a tone of menace and asperity, proclaimed the whole plan of the reformers. It required that "the capital and grand author of all the troubles and woes which the kingdom had

Petition for that purpose.

endured, should be "speedily brought to justice for the treason, blood, and mischief of which he had been guilty;" that a period should be fixed for the dissolution of the parliament; that a more equal representation of the people should be devised; that the representative body should possess the supreme power, and elect every future king; and that the prince so elected should be bound to disclaim all pretensions to a negative voice in the passing of laws, and to subscribe to that form of government which he should find established by the present parliament. This remonstrance was addressed to the lower house alone; for the reformers declared themselves unable to understand on what ground the lords could claim co-equal power with the representatives of the people, in whom alone the sovereignty resided.* It provoked a long and animated debate; but the presbyterians met its advocates without fear, and silenced them by an overwhelming majority. They felt that they were supported by the general wish of the nation, and trusted, that if peace were once established by agreement with the king, the officers would not dare to urge their pretensions. With this view they appointed a distant day for the consideration of the

Nov. 18.

Nov. 20.

* Whitelock. 343. 346. 355. Rushworth, vii. 1298. 1311. 1331.

remonstrance, and instructed the commissioners at Newport to hasten the treaty to a speedy conclusion.*

The king now found himself driven to the last extremity. The threats of the army resounded in his ears; his friends conjured him to recede from his former answers; and the commissioners

declared their conviction, that without full satisfaction the two houses could not save him from the vengeance of his enemies. To add to his alarm, Hammond, the governor of the

Nov. 25. island, had received a message from Fairfax to repair without delay to the head quarters at Windsor.

Nov. 26. This was followed by the arrival of colonel Eure, with orders to seize the king, and confine him again in Carisbrook castle, or, if he met with opposition, "to act as God should direct him." Hammond replied with firmness, that in military matters he would obey his general; but as to the royal person, he had received the charge from the parliament, and would not suffer the interference of any other authority. Eure departed: but Charles could no longer

Nov. 27. conceal from himself the danger which stared him in the face; his constancy or obstinacy relented; and he agreed, after a most painful struggle, and when the time was run to the last minute, to remit the compositions of his followers to the mercy of parliament; to consent to the trial of the seven individuals, excepted from pardon, provided they were allowed the benefit of the ancient laws; and to suspend the functions and vest in the crown the lands of the bishops, till religion should be settled, and the support of its ministers determined by common consent of the king and the two houses. By this last expedient it was hoped that both parties would be satisfied: the monarch, because the order was not abolished, nor its lands alienated for ever; the parliament, because neither one nor the other could be restored without its previous consent.†

* Journals of Commons, Nov. 20. 24. 30. There were two divisions relating to this question; in the first the majority was 94 to 60, in the second 125 to 58.

† Clarendon papers, 449—454. Journals, x. 620—622. The royalists excepted from mercy were the marquess of Newcastle, sir Marmaduke Langdale, lord Digby, sir Richard Greenville, Mr. Justice Jenkins, sir Francis Doddington, and lord Byron. It appears to me difficult to read the letters written by Charles, during the treaty, to his son the prince of Wales (Clarendon papers, ii. 425—454), and yet believe that he had acted with insincerity. But how then, asks Mr. Laing (Hist. of Scotland, iii. 411.), are we to account for his assertion to Ormond, that the treaty would come to nothing, and for his anxiety to escape manifested by his correspondence with Hopkins? Wagstaff's Vindication of the Royal Martyr, 142—161.) 1.

In the morning, when the commissioners took their leave, Charles addressed them with a sadness of countenance, and in a tone of voice which drew tears from all his attendants. "My lords," said he, "I believe we shall scarce ever see each other again. But God's will be done! I have made my peace with him, and shall undergo without fear whatever he may suffer men to do to me. My lords, you cannot but know that in my fall and ruin you see your own, and that also near you. I pray God send you better friends than I have found. I am fully informed of the carriage of them who plot against me and mine: but nothing affects me so much as the feeling I have of the sufferings of my subjects, and the mischief that hangs over my three kingdoms, drawn upon them by those who, upon pretences of good, violently pursue their own interests and ends."* Hammond departed at the same time with the commissioners; and the command at Carisbrook devolved on Boreman, an officer of the militia, at Newport, on Rolfe, a major in the army. To both he gave a copy of his instructions from the parliament for the safety of the royal person: but the character of Rolfe was known; he had been charged with a design to take the king's life six months before, and had escaped a trial by the indulgence of the grand jury, who ignored the bill, because the main fact was attested by the oath of only one witness.†

His part-
ing address
to the com-
missioners.
Nov. 28.

The next morning a person in disguise ordered one of the royal attendants to inform the king, that a military force was on its way to make him prisoner. Charles immediately consulted the duke of Richmond, the earl of Lindsay, and colonel Coke, who joined in conjuring him to save his life by an immediate escape. The night was dark and stormy: they were acquainted with the watch-word; and

He is car-
ried away
by the
army.
Nov. 29.

Charles knew that, besides the parliament, there was the army, which had both the will and the power to set aside any agreement which might be made between him and the parliament; and hence arose his conviction that "the treaty would come to nothing." 2. He was acquainted with all that passed in the private councils of his enemies; with their design to bring him to trial and to the scaffold; and he had also received a letter, informing him of an intention to assassinate him during the treaty. (Herbert, 134.) Can we be surprised, if, under such circumstances, he sought to escape? Nor was his parole an objection. He conceived himself released from it by misconduct on the part of Hammond, who, at last, aware of that persuasion, prevailed on him, though with considerable difficulty, to renew his pledge. (Journals, x. 593.) After this renewal he refused to escape, even when every facility was offered him. Rushworth, vii. 1344.

* Appendix to Evelyn's Memoirs, ii. 128.

† Journals, x. 615. 345. 349. 358. 370. 390. Clarendon, iii. 234.

Coke offered him horses and a boat. But the king objected that he was bound in honour to remain twenty days after the treaty, nor would he admit of the distinction which they suggested, that his parole was given not to the army, but to the parliament. It was in vain that they argued and entreated: Charles with his characteristic obstinacy retired to rest about midnight: and in a short time lieutenant-colonel Cobbett arrived with a troop of horse and a company of

Nov. 30. foot. Boreman refused to admit him into Carisbrook. But Rolfe offered his aid at Newport: at five the king was awakened by a message that he must prepare to depart; and about noon he was safely lodged in Hurst castle, situate on a solitary rock, and connected by a narrow causeway two miles in length with the opposite coast of Hampshire.*

The same day the council of officers published a menacing declaration against the house of commons. It charged the majority with apostacy from their former principles, and appealed from their authority to "the extraordinary judgment of God and of all good people;" called on the faithful members to protest against the past conduct of their colleagues, and to place themselves under the protection of the army; and asserted, that since God had given to the officers the power, he had also made it their duty to provide for the settlement of the kingdom, and the punishment of the guilty.

In the pursuit of these objects, Fairfax marched Dec. 2. several regiments to London, and quartered them at Whitehall, York house, the Mews, and in the skirts of the city.†

Commons
vote the
agreement
with the
king.

The reader will recollect the pusillanimous conduct of the presbyterian members on the approach of the army in the year 1646: On the present occasion they resolved to redeem their character. They betrayed no symptom of fear, no disposition to retire, or to submit. Amidst the din of arms and the menaces of the soldiers, they daily attended their duty in parliament, declared that the seizure of the royal person had been made without their knowledge or consent, and proceeded to consider the tendency of the concessions made by Charles in the treaty of Newport. This produced the longest and most animated debate hitherto known in the history of parliament. Vane drew a most unfavourable portrait of the king, and represented all his promises and professions as hollow and in-

* Rushworth, vii. 1344—1348. 1351. Herbert, 113. 124.

† Rushworth, vii. 1341. 1350. Whitelock, 358.

sincere: Fiennes became for the first time the royal apologist, and refuted the charges brought by his fellow commissioner: and Prynne, the celebrated adversary of Laud, seemed to forget his antipathy to the court, that he might lash the presumption and perfidy of the army. The debate continued by successive adjournments three days and a whole night; and on the last division in the morning a resolution was carried by a majority of forty-six, that the offers of the sovereign furnished a sufficient ground for the future settlement of the kingdom.*

But the victors were not suffered to enjoy their triumph. The next day Skippon discharged the guards of the two houses, and their place was supplied by a regiment of horse and another of foot from the army. Colonel Pride stationed himself in the lobby: in his hand he held a list of names, while the Lord Grey stood by his side to point out the persons of the members; and two and fifty presbyterians, the most distinguished of the party by their talents or influence, were taken into custody, and conducted to different places of confinement. Many of those who passed the ordeal on this, met with a similar treatment on the following day: numbers embraced the opportunity to retire into the country; and the house was found, after repeated purifications, to consist of about fifty individuals, who, in the quaint language of the time, were afterwards dignified with the honourable appellation of the "rump."†

The house of commons is purified.

Whether it were through policy or accident, Cromwell was not present to take any share in these extraordinary proceedings. After his victory at Preston he had marched in pursuit of Monroe, and had besieged the important town of Berwick. But his real views were not confined to England. The defeat of the Scottish royalists had raised the hopes of their opponents in their own country. In the western shires the curse of Meroz had been denounced from the pulpit against all who refused to arm in defence of the covenant: the fanatical peasants marshalled themselves under their respective ministers; and Loudon and Eglington, assuming the command, led him to Edinburgh.‡ This tumultuary mass, though

Cromwell returns from Scotland.

* Journals, Dec. 1, 2, 3, 5. Clarendon papers, ii. App. xlvi. Cobbett, Parl. Hist. 1152. In some of the previous divisions the house consisted of 240 members: but several seem to have retired during the night; at the conclusion there were only 212.

† Whitelock, 358, 359. Commons' Journals, Dec. 6, 7.

‡ This was called the inroad of the Whiggamores, a name given to these peasants either from whiggam, a word employed by them in driving their

joined by Argyle and his highlanders, and by Cassilis with the people of Carrick and Galloway, was no match for the disciplined army under Lanerie and Monroe: but Cromwell

Sept. 26. offered to advance to their support, and the two parties hastened to reconcile their differences by

Sept. 30. a treaty, which secured to the royalists their lives and property, on condition that they should disband their forces. Argyle with his associates assumed the

name and the office of the committee of the estates; Berwick

Oct. 4. and Carlisle were delivered to the English general: and he himself with his army was invited to the capital. Amidst the public rejoicing, private

Oct. 11. conferences, of which the subject never transpired, were repeatedly held; and Cromwell returning to England, left Lambert with two regiments of horse, to support the government of his friends till they could raise a sufficient force among their own party.* His progress through the northern counties was slow: nor did he reach the capital till the day after the exclusion of the presbyterian members. His late victory had rendered him the idol of the soldiers: he was conducted with acclamations of joy to the royal apartments in Whitehall, and received the next day the thanks of the house of commons for his distinguished services to the two kingdoms. Of his sentiments with respect to the late proceedings no doubt was entertained. If he had not suggested, he had at least been careful to applaud the conduct of the officers, and in a letter to Fairfax he blasphemously attributed it to the inspiration of the Almighty.†

The government of the kingdom had now devolved in reality on the army. There were two independent pre-vail. military councils, the one select, consisting of the grandees, or principal commanders, the other general, to which the inferior officers, most of them men of levelling principles, were admitted. A suspicion existed that the former aimed at the establishment of an oligarchy: whence their advice was frequently received with jealousy and distrust, and their resolutions were sometimes negatived by the greater number of their inferiors. When any measure had received

horses, or from whig (Anglicé whey), a beverage of sour milk, which formed one of the principal articles of their meals. Burnet's History of his own Times, i. 43. It soon came to designate an enemy of the king, and in the next reign was transferred, under the abbreviated form of whig, to the opponents of the court.

* Memoirs of the Hamiltons, 367—377. Guthrie, 283—299. Rushworth, vii. 1273. 1282. 86. 1296. 1325.

† Journals, Dec. 8. Whitelock, 362. Rushworth, vii. 1339.

the approbation of the general council, it was carried to the house of commons, who were expected to impart to it the sanction of their authority. With ready obedience they renewed the vote of non-addresses, resolved that the re-admission of the eleven expelled members Dec. 13. was dangerous in its consequences, and contrary to the usages of the house, and declared that the treaty in the isle of Wight, and the approbation given to the royal concessions, were dishonourable to parliament, destructive of the common good, and a breach of the public faith.* But these were only preparatory measures; they were soon called upon to pass a vote, the very mention of which a few years before would have struck the boldest among them with astonishment and terror.

It had long been the conviction of the officers that the life of the king was incompatible with their safety. If he were restored, they would become the objects of royal vengeance: if he were detained in prison, the public tranquillity would be disturbed by a succession of plots in his favour. In private assassination there was something base and cowardly from which the majority revolted: but to bring him to public justice, was to act openly and boldly; it was to proclaim their confidence in the goodness of their cause; to give to the world a splendid proof of the sovereignty of the people, and of the responsibility of kings.† When Dec. 23. the motion was made in the commons, a few ventured to oppose it, not so much with the hope of saving the life of Charles, as for the purpose of transferring the odium of his death on its real authors. They suggested that the person of the king was sacred; that history afforded no precedent of a sovereign compelled to plead before a court of judicature composed of his own subjects; that measures of vengeance could only serve to widen the bleeding wounds of the country; that it was idle to fear any re-action in favour of the monarch, and time to settle on a permanent basis the liberties of the country. But their opponents were clamorous, obstinate, and menacing. The king, they maintained, was the capital delinquent: justice required that he should suffer as well as the minor offenders. He had been guilty of treason against the people, it remained for *their* representatives to bring him to punishment: he had shed the blood of man:

Resolution
to proceed
against the
king.

* Journals, Dec. 3. 13, 14. 20. Whitelock, 362, 363. Clarendon papers, ii. App. xlix.

† Clarendon Hist. iii. 249.

God made it their duty to demand his blood in return. The opposition was silenced; and a committee of thirty-eight members was appointed to devise the most eligible manner of proceeding. At the head of the names stood those of Widdrington and Whitelock. They declined to attend; and when the clerk brought them a summons, they retired into the country.*

Appoint-
ment of
the high
court of
justice.

Jan. 1.

At the recommendation of this committee, the house passed a vote declaratory of the law, that it was high treason in the king of England; for the time being, to levy war against the parliament and kingdom of England; and this was followed up with an ordinance erecting a high court of justice to try the question of fact, whether Charles Stuart, king of England, had or had not been guilty of the treason described in the preceding vote. But the subserviency of the commons was not imitated by the lords: they remembered the admonition of the king at Newport: they saw the

Jan. 2.

approaching ruin of their own order in the fall of the sovereign; and when the vote and ordinance were transmitted to their house, they re-

Jan. 4.

jected both without a dissentient voice. This unexpected effort surprised, but did not disconcert

the independents: They prevailed on the commons to vote that the people are the origin of all just power, and from this theoretical truth proceeded to deduce two practical falsehoods. As if no portion of that power had been delegated to the king and the lords, they determined that "the commons of England assembled in parliament, being chosen by and representing the people, have the supreme authority;" and thence inferred that "whatsoever is enacted and declared for law by the commons in parliament hath force of law, and concludes all the people of the nation, although the consent and concurrence of the king and the house of peers be not had thereunto." But even in that hypothesis, how could the house, constituted as it then was, claim to be the representative of the people? It was, in fact, the representative of the army only; and not a free but an enslaved representative, bound to speak with the voice, and to enregister the decrees of its masters.†

* Journals, Dec. 23. Whitelock, 363.

† Journals, x. 641. Commons, Jan. 1, 2, 4, 6. Hitherto the lords had seldom exceeded seven in number: but on this occasion they amounted to fourteen. Leicester's Journal, 47.

In the mean while Cromwell continued to act his accustomed part. Whenever he rose in the house it was to recommend moderation, to express the doubts which agitated his mind, to protest that, if he assented to harsh and ungracious measures, he did it with reluctance, and solely in obedience to the will of the Almighty. Of his conduct during the debate on the king's trial, we have no account; but when it was suggested to dissolve the upper house, and transfer its members to that of the commons, he characterised the proposal as originating in revolutionary frenzy; and on the introduction of a bill to alter the form of the great seal, adopted a language which strongly marks the hypocrisy of the man, though it was calculated to make impression on the fanatical minds of his hearers.

Hypocrisy
of Crom-
well.

Jan. 9.

"Sir," said he, addressing the speaker, "if any man whatsoever have carried on this design of deposing the king, and disinheriting his posterity, or if any man have still such a design, he must be the greatest traitor and rebel in the world: but since the providence of God has cast this upon us, I cannot but submit to providence, though I am not yet prepared to give you my advice."*

The lord general, on the contrary, began to assume a more open and a bolder tone. Hitherto, instead of leading, he had been led. That he disapproved of much that had been done, we may readily believe; but he only records his own weakness, where he alleges in excuse of his conduct that his name had been subscribed to the resolves of the council, whether he consented or not. He had lately shed the blood of two gallant officers at Colchester, but no solicitations could induce him to concur in shedding the blood of the king. His name stood at the head of the commissioners: he attended at the first meeting, in which no business was trans-

Conduct of
Fairfax.

Jan. 8.

* For Cromwell's conduct see the letters in the Appendix to the second volume of the Clarendon papers, l. li. The authenticity of this speech has been questioned, as resting solely on the treacherous credit of Perinchief: but it occurs in a letter written on the 11th of January, which describes the proceedings of the 9th, and therefore cannot, I think, be questioned. By turning to the journals it will be found, that on that day the house had divided on a question whether any more messages should be received from the lords, which was carried in opposition to Ludlow and Martyn. "Then," says the letter, "they fell on the business of the king's trial." On this head nothing is mentioned in the journals; but a motion which would cause frequent allusions to it, was made and carried. It was for a new great seal, on which should be engraven the house of commons with this inscription. "In the first year of freedom, by God's blessing restored, 1648." Such a motion would naturally introduce Cromwell's speech respecting the deposition of the king, and the disherison of his posterity.

acted, but he constantly refused to be present at their subsequent sittings, or to subscribe his name to their resolutions. This conduct surprised and mortified the independents; it probably arose from the influence of his wife, whose desperate loyalty will soon challenge the attention of the reader.*

Before this the king, in anticipation of his subsequent trial, had been removed to the palace of St. James's. In the third week of his confinement in Hurst castle, he was suddenly roused out of his

King removed from Hurst castle.

Dec. 18.

sleep at midnight by the fall of the drawbridge and the trampling of horses. A thousand frightful ideas rushed on his mind, and at an early hour in the morning, he despatched his servant Herbert to ascertain the cause; but every mouth was closed, and Herbert returned with the scanty information that a colonel Harrison had arrived. At the name the king turned pale, hastened into the closet, and sought to relieve his terrors by private devotion. In a letter which he had received at Newport, Harrison had been pointed out to him as a man engaged to take his life. His alarm, however, was unfounded. Harrison was a fanatic, but no murderer: he sought, indeed, the blood of the king, but it was his wish that it should be shed by the axe of the executioner, not by the dagger of the assassin. He had been appointed to superintend the removal of the royal captive, and had come to arrange matters with the governor, of whose fidelity some suspicion existed. Keeping himself private during the day, he departed in the night; and two days later Charles was

conducted with a numerous escort to the royal palace of Windsor.†

Few persons interest themselves in his favour.

Dec. 27.

Hitherto, notwithstanding his confinement, the king had always been served with the usual state; but at Windsor his meat was brought to table uncovered, and by the hands of the soldiers: no say was given; no cup presented on the knee. This absence of ceremony made on the unfortunate monarch a deeper impression than could have been expected. It was, he said, the denial of that to him, which by ancient custom was due to many of his subjects; and rather than submit to the humiliation, he chose to diminish the number of the dishes, and to take his meals in private. Of the proceedings against him he received no official intelligence; but he gleaned the chief particulars through the inquiries of Herbert, and in casual conversation with Witchcott the governor. The in-

* Nelson, Trial of Charles I. Clarendon papers, ii. App. E.

† Herbert, 131—136. Rushworth, vii. 1375.

formation was sufficient to appal the stoutest heart; but Charles was of a most sanguine temperament, and though he sought to fortify his mind against the worst, he still cherished a hope that these menacing preparations were only intended to extort from him the resignation of his crown. He relied on the interposition of the Scots, the intercession of foreign powers, and the attachment of many of his English subjects. He persuaded himself that his very enemies would blush to shed the blood of their sovereign; and that their revenge would be appeased, and their ambition sufficiently gratified, by the substitution in his place of one of his younger children on the throne.*

But these were the dreams of a man who sought to allay his fears by voluntary delusions. The princes of Europe looked with cold indifference on his fate. The king of Spain during the whole contest had maintained a friendly correspondence with the parliament. Frederic II. king of Denmark, though he was his cousin-german, made no effort to save his life; and Henrietta could obtain for him no interposition from France, where the infant king had been driven from his capital by civil dissention, and she herself depended for subsistence on the charity of the Cardinal de Retz, the leader of the Fronde.† The Scottish parliament, indeed, made a feeble effort in his favour. The commissioners subscribed a protest against the proceedings of the commons, by whom it was never answered; and argued the case with Cromwell, who referred them to the covenant, and maintained, that if it was their duty to punish the malignants in general, it was still more so to punish him who was the chief of the malignants.‡

As the day of trial approached, Charles resigned the hopes which he had hitherto indulged: and his removal to Whitehall admonished him to prepare for that important scene on which he was soon to appear. Without information or advice, he could only resolve to maintain the port and dignity of a king, to refuse the authority of his judges, and to commit no act unworthy of his exalted rank and that of his ancestors. On the 20th of January the commissioners appointed by the act assembled in the

Proceed-
ings at the
trial.

Dec. 19.

1649.

Jan. 20.

* Herbert, 155. 157. Whitelock, 365. Sir John Temple attributed his tranquillity "to a strange conceit of Ormond's working for him in Ireland. He still hangs upon that twigg; and by the enquireys he made after his and Inchiquin's conjunction, I see he will not be beaten off it." In Leicester's Journal, 48.

† Memoirs of Retz, i. 261.

‡ Journals. Jan. 6. 22, 23. Cobbet, iii. 1277. Burnet's own Times, i. 42.

painted chamber, and proceeded in state to the upper end of Westminster hall. A chair of crimson velvet had been placed for the lord president, John Bradshaw, serjeant at law: the others, to the number of sixty-six, ranged themselves on either side, on benches covered with scarlet; at the feet of the president sat two clerks at a table, on which lay the sword and the mace; and directly opposite stood a chair intended for the king. After the preliminary formalities of reading the commission, and calling over the members, Bradshaw ordered the prisoner to be introduced.*

Charles was received at the door by the serjeant at arms, and conducted by him within the bar. His step was firm, his countenance erect and unmoved. He did not uncover; but first seated himself, then arose, and surveyed the court with an air of superiority, which abashed and irritated his enemies. While the clerk read the charge, he appeared to listen with indifference: but a smile of contempt was seen to quiver on his lips at the passage which described him as a "tyrant, traitor, murderer, and public and implacable enemy to the commonwealth of England." At the conclusion Bradshaw called on him to answer: but he demanded by what lawful authority he had been brought thither. He was king of England, and acknowledged no superior upon earth: the crown, which he had received from his ancestors, he would transmit unimpaired by any act of his, to his posterity. His case was the case of all the people of England: for if force without law could alter the fundamental laws of the kingdom, there was no man who could be secure of his life or liberty for an hour. He was told that the court sat by the authority of the house of commons. But where, he asked, were the lords? Were the commons the whole legislature? Were they free? Were they a court of judicature? Could they confer on others a jurisdiction which they did not possess themselves? He would never acknowledge an usurped authority. It was a duty imposed upon him by the Almighty to disown every lawless

* The commissioners according to the act (for bills passed by the commons alone were now denominated acts,) were in number 133, chosen out of the lower house, the inns of court, the city and the army. In one of their first meetings they chose Bradshaw for their president. He was a native of Cheshire, bred to the bar, and long practised in the Guildhall, and two terms before had been serjeant. In the first list of commissioners his name did not occur: but on the rejection of the ordinance by the upper house, the names of six lords were erased, and his name with those of five others were substituted. He obtained for the reward of his services the estate of lord Cottington, the chancellorship of the dutchly of Lancaster, and the office of president of the council.

power, that invaded either the rights of the crown or the liberties of the subject. Such was the substance of his discourse delivered on three different days, and amidst innumerable interruptions from the president, who would not suffer the jurisdiction of the court to be questioned, and at last ordered the "default and contempt of the prisoner" to be recorded.

The two following days the court sat in private, to receive evidence that the king had commanded in several engagements, and to deliberate on the form of judgment to be pronounced. On the third Bradshaw took his seat dressed in scarlet; and Charles immediately demanded to be heard.

He proposes a private conference.
Jan. 27.

He did not mean, he said, on this occasion either to acknowledge or deny the authority of the court: his object was to ask a favour, which would spare them the commission of a great crime, and restore the blessing of tranquillity to his people. He asked permission to confer with a joint committee of the lords and commons. The president replied that the proposal was not altogether new, though it was now made for the first time by the king himself: that it pre-supposed the existence of an authority co-ordinate with that of the commons, which could not be admitted: that its object could only be to delay the proceedings of the court, now that judgment was to be pronounced. Here he was interrupted by the earnest expostulation of colonel Downes, one of the members. The king was immediately removed; the commissioners adjourned into a neighbouring apartment, and almost an hour was spent in private and animated debate. Had the conference been granted, Charles would have proposed, (so at least it was understood) to resign the crown in favour of the prince of Wales.

When the court resumed, Bradshaw announced to him the refusal of his request, and proceeded to animadvert in harsh and unfeeling language on the principal events of his reign. The meek spirit of the prisoner was roused: he made an attempt to speak, but he was immediately silenced with the remark, that the time for his defence was past; that he had spurned the numerous opportunities offered him by the indulgence of the court; and that nothing remained for his judges but to pronounce sentence; for they had learned from holy writ that "to acquit the guilty was of equal abomination as to condemn the innocent." The charge was again read, and was followed by the judgment, "that the court being satisfied in conscience that he, the said Charles Stuart, was guilty of the crimes of which

Is condemned.

he had been accused, did adjudge him as a tyrant, traitor, murderer, and public enemy to the good people of the nation, to be put to death by the severing his head from his body." The king heard it in silence; sometimes smiling with contempt, sometimes raising his eyes to heaven, as if he appealed from the malice of men to the justice of the Almighty. At the conclusion the commissioners rose in a body to testify their assent, and Charles made a last and more earnest effort to speak; but Bradshaw ordered him to be removed, and the guards hurried him out of the hall.*

During this trial a strong military force had been kept under arms to suppress any demonstration of popular feeling in favour of the king. On the first day, when the name of Fairfax, as one of the commissioners, was called, a female voice cried from the gallery, "he has more wit than to be here." On another occasion, when Bradshaw attributed the charge against the king to the consentient voice of the people of England, the same female voice exclaimed, "no, not one-tenth of the people." A faint murmur of approbation followed, but was instantly suppressed by the military. The speaker was recognised to be Lady Fairfax, the wife of the commander-in-chief; and these affronts, probably on that account, were suffered to pass unnoticed.†

When Coke, the solicitor-general, opened the pleadings, the king gently tapped him on the shoulder with his cane, crying, "hold, hold!" At the same moment the silver head of the cane fell off, and rolled on the floor. It was an accident which might have happened at any time; but in this superstitious age it could not fail to be taken for an omen. Both his friends and enemies interpreted it as a presage of his approaching decapitation.‡

On one day, as the king entered the court, he heard behind him the cry of "justice, justice;" on another, as he passed between two lines of soldiers, the word "execution," was repeatedly sounded in his ears. He bore these affronts with patience, and on his return said to Herbert, "I am well assured that the soldiers bear me no malice. The cry was

* See the trial of Charles Stuart, with additions by Nalson, folio. London, 1735.

† Nalson's Trial. Clarendon, iii. 254. State Trials, 366, 367, 368. fol. 1730.

‡ Nalson, Herbert, 165. "He seemed unconcerned; yet told the bishop, it really made a great impression on him; and to this hour, says he, I know not possibly how it should come." Warwick, 340.

suggested by their officers, for whom they would do the like, if there were occasion."*

On his return from the hall, men and women crowded behind the guards, and called aloud, "God preserve your majesty." But one of the soldiers venturing to say, "God bless you, Sir." received a stroke on the head from an officer with his cane. "Truly," observed the king, "I think the punishment exceeded the offence."†

By his conduct during these proceedings, Charles had exalted his character even in the estimation of his enemies: he had now to prepare himself for a still more trying scene, to nerve his mind against the terrors of a public and ignominious death. But he was no longer the man he had been before the civil war. Affliction had chastened his mind: he had learned from experience to submit to the visitations of Providence: and he sought and found strength and relief in the consolations of religion. The next day, the Sunday, Jan. 28. was spent by him at St. James', by the commissioners at Whitehall. They observed a fast, preached on the judgments of God, and prayed for a blessing on the commonwealth. He devoted his time to devotional exercises in the company of Herbert and of Dr. Juxon, bishop of London, who, at the request of Hugh Peters, (and it should be recorded to the honour of that fanatical preacher) had been permitted to attend the monarch. His nephew the prince elector, the duke of Richmond, the marquess of Hertford, and several other noblemen, came to the door of his bed-chamber, to pay their last respects to their sovereign: but they were told in his name that he thanked them for their attachment, and desired their prayers: that the shortness of his time admonished him to think of another world; and that the only moments which he could spare, must be given to his children. These were two, the princess Elizabeth and the duke of York; the former wept for her father's fate; the latter, too young to understand the cause, joined his tears through sympathy. Charles placed them on his knees, gave them such advice as was adapted to their years, and seemed to derive pleasure from the pertinency of their answers. In conclusion he divided a few jewels between them, kissed them, gave them his blessing, and hastily retired to his devotions.‡

King prepares for death.

* Herbert, 163, 164.

† Herbert, 163, 165.

‡ Herbert, 169—180. State Trials, 357—360.

On the last night of his life he slept soundly about four hours: and early in the morning awakened Herbert, who lay on a pallet by his bed-side. "This," he said, "is my second marriage day. I would be as trim as may be; for before night I hope to be espoused to my blessed Jesus." He then pointed out the clothes which he meant to wear, and ordered two shirts on account of the severity of the weather. "For," he observed, "were I to shake through cold, my enemies would attribute it to fear. I would have no such imputation. I fear not death. Death is not terrible to me. I bless my God I am prepared."*

The king spent an hour in privacy with the bishop: Herbert was afterwards admitted; and about ten o'clock colonel Hacker announced that it was time to proceed to Whitehall. He obeyed, was conducted on foot, between two detachments of military, across the park, and received permission to repose himself in his former bed-chamber. Dinner had been prepared for him: but he refused to eat, though afterwards, at the solicitation of the bishop, he took the half of a manchet and a glass of wine. Here he remained almost two hours in constant expectation of the last summons, spending his time partly in prayer, and partly in discourse with Dr. Juxon. There might have been nothing mysterious in the delay; if there was, it may perhaps be explained from the following circumstances.

Four days had now elapsed since the arrival of Letter from ambassadors from the Hague to intercede in his the prince's favour. It was only on the preceding evening that they had obtained audiences of the two houses, and hitherto no answer had been returned. In their company, came Seymour, the bearer of two letters from the prince of Wales, one addressed to the king, the other to the lord Fairfax. He had already delivered the letter, and with it a sheet of blank paper subscribed with the name and sealed with the arms of the prince. It was the price which he

* Herbert, 183—185. I may here insert an anecdote, which seems to prove that Charles attributed his misfortunes in a great measure to the counsels of archbishop Laud. On the last night of his life, he had observed that Herbert was restless during his sleep, and in the morning insisted on knowing the cause. Herbert answered that he was dreaming. He saw Laud enter the room: the king took him aside, and spoke to him with a pensive countenance; the archbishop sighed, retired, and fell prestrate on the ground. Charles replied, "it is very remarkable: but he is dead. Yet had we conferred together during life, 'tis very likely (albeit I loved him well) I should have said something to him, might have occasioned his sigh." Herbert's letter to Dr. Samways, published at the end of his memoirs, p. 220.

offered to the grandees of the army for the life of his father. Let them fill it up with the conditions: whatever they might be, they were already granted; his seal and signature were affixed.* It is not improbable that this offer may have induced the leaders to pause. That Fairfax laboured to postpone the execution, was always asserted by his friends: and we have evidence to prove that though he was at Whitehall, he knew not, or at least pretended not to know, what was passing.†

In the mean while Charles enjoyed the consolation of learning that his son had not forgotten him in his distress. By the indulgence of colonel Tomlinson, Seymour was admitted, delivered the letter, and received the royal instructions for the prince. He was hardly gone, when Hacker arrived with the fatal summons. The king proceeded through the long gallery, lined on each side with soldiers, who, far from insulting the fallen monarch, appeared by their sorrowful looks to sympathise with his fate. At the end an aperture had been made in the wall, through which he stepped at once upon the scaffold. It was hung with black: at the further end were seen the two executioners, the block, and the axe: below appeared in arms several regiments of horse and foot: and beyond, as far as the eye was permitted to reach, waved a dense and countless crowd of spectators. The king stood collected and undismayed amidst the apparatus of death. There was in his countenance that cheerful intrepidity, in his demeanour that dignified calmness, which had characterised in the hall of Fotheringay, his royal grandmother, Mary Stuart. It was his wish to address the people: but they were kept beyond the reach of his voice by the swords of the military; and therefore confining his discourse to the few persons standing with him on the scaffold, he took, he said, the opportunity of

* For the arrival of the ambassadors see the journals of the house of commons on the 26th. A fac-simile of the carte blanche, with the signature of the prince, graces the title-page of the third volume of the *Original Letters*, published by Mr. Ellis.

† "Mean time they went into the long gallery, where chancing to meet the general, he asked Mr. Herbert how the king did? Which he thought strange.... His question being answer'd, the general seem'd much surprised." Herbert, 194. It is difficult to believe that Herbert could have mistaken or fabricated such a question, or that Fairfax would have asked it, had he known what had taken place. To his assertion that Fairfax was with the officers in Harrison's room, employed in "prayer or discourse," it has been objected that his name does not occur among the names of those who were proved to have been there at the trial of the regicides. But this is no contradiction. The witnesses speak of what happened before, Herbert of what happened during, the execution.

denying in the presence of his God, the crimes of which he had been accused. It was not to him, but to the houses of parliament, that the war and all its evils should be charged. The parliament had first invaded the rights of the crown by claiming the command of the army: it had provoked hostilities by issuing commissions for the levy of forces, before he had raised a single man. But he had forgiven all, even those, whoever they were, (for he did not desire to know their names,) who had brought him to his death. He did more than forgive them, he prayed that they might repent. But for that purpose they must do three things: they must render to God his due, by settling the church according to the scripture: they must restore to the crown those rights which belonged to it by law; and they must teach the people the distinction between the sovereign and the subject; those persons could not be governors who were to be governed, *they* could not rule, whose duty it was to obey. Then, in allusion to the offers formerly made to him by the army, he concluded with these words: "Sirs, it was for the liberties of the people that I am come here. If I would have assented to an arbitrary sway, to have all things changed according to the power of the sword, I needed not to have come hither: and therefore I tell you, (and I pray God it be not laid to your charge,) that I am the martyr of the people."

Having added, at the suggestion of Dr. Juxon, "I die a christian according to the profession of the church of England, as I found it left me by my father," he said, addressing himself to the prelate, "I have on my side a good cause and a gracious God."

BISHOP.—There is but one stage more: it is turbulent and troublesome, but a short one. It will carry you from earth to heaven, and there you will find joy and comfort.

KING.—I go from a corruptible to an incorruptible crown.

BISHOP.—You exchange an earthly for an eternal crown—a good exchange.

Being ready, he bent his neck on the block, and after a short pause, stretched out his hands as a signal. At that instant the axe descended; the head rolled from the body: and a deep groan burst from the multitude of the spectators. But they had no leisure to testify their feeling; two troops of horse dispersed them in different directions.*

* Herbert, 189—194. Warwick, 344. Nelson, trial of Charles Stuart. The royal corpse, having been embalmed, was after some days delivered to the earl of Richmond for private interment at Windsor. That nobleman, accompanied by the marquess of Hertford, the earls of Southampton and

Such was the end of the unfortunate Charles Stuart, an awful lesson to the possessors of royalty, to watch the growth of public opinion, and to moderate their pretensions in conformity with the reasonable desires of their subjects. Had he lived at a more early period, when the sense of wrong was quickly subdued by the habit of submission, his reign would probably have been marked by fewer violations of the national liberties. It was resistance that made him a tyrant. The spirit of the people refused to yield to the encroachments of authority; and one act of oppression placed him under the necessity of committing another, till he had revived and enforced all those odious prerogatives, which, though usually claimed, were but sparingly exercised, by his predecessors. For some years his efforts seemed successful: but the Scottish insurrection revealed the delusion; he had parted with the real authority of a king, when he forfeited the confidence and affection of his subjects.

But while we blame the illegal measures of Charles, we ought not to screen from censure the subsequent conduct of his principal opponents. From the moment that war seemed inevitable, they acted, as if they thought themselves absolved from all obligations of honour and honesty. They never ceased to inflame the passions of the people by misrepresentation and calumny: they exercised a power far more arbitrary

Lindsey, Dr. Juxon, and a few of the king's attendants, deposited it in a vault in the choir of St. George's chapel, which already contained the remains of Henry VIII. and his third queen Jane Seymour. (Herbert, 203. Blencowe, Sydney papers, 64.) Notwithstanding such authority, the assertion of Clarendon that the place could not be discovered, threw some doubt upon the subject. But in 1813, it chanced that the workmen made an aperture in a vault corresponding in situation, and occupied by three coffins; and his present majesty, then prince regent, ordered an investigation to ascertain the truth. One of the coffins, in conformity with the account of Herbert, was of lead, with a leaden scroll, in which were cut the words "King Charles." In the upper lid of this an opening was made; and when the cere cloth and unctuous matter were removed, the features of the face, as far as they could be distinguished, bore a strong resemblance to the portraits of Charles I. To complete the proof, the head was found to have been separated from the trunk by some sharp instrument, which had cut through the fourth vertebra of the neck. See "An account of what appeared on opening the coffin of king Charles I. by sir Henry Hallford, bart." 1813.—It was observed at the same time, that the lead coffin of Henry VIII. had been beaten in about the middle, and a considerable opening in that part exposed a mere skeleton of the king." This may, perhaps, be accounted for from a passage in Herbert, who tells us that while the workmen were employed about the inscription, the chapel was cleared, but a soldier contrived to conceal himself, descended into the vault, cut off some of the velvet pall, and "wimble a hole into the largest coffin." He was caught, and "a bone was found about him, which, he said, he would haft a knife with." Herbert, 204. See note (D.)

and formidable, than had ever been claimed by the king; they punished summarily, on mere suspicion, and without attention to the forms of law; and by their committees they established in every county a knot of petty tyrants, who disposed at will of the liberty and property of the inhabitants. Such anomalies may perhaps be inseparable from the jealousies, the resentments, and the heart-burnings, which are engendered in civil commotions; but certain it is that right and justice had seldom been more wantonly outraged, than they were by those, who professed to have drawn the sword in the defence of right and justice.

Neither should the death of Charles be attributed to the vengeance of the people. They, for the most part, declared themselves satisfied with their victory: they sought not the blood of the captive monarch; they were even willing to replace him on the throne, under those limitations which they deemed necessary for the preservation of their rights. The men who hurried him to the scaffold, were a small faction of bold and ambitious spirits, who had the address to guide the passions and fanaticism of their followers, and were enabled through them to control the real sentiments of the nation. Even of the commissioners appointed to sit in judgment on the king, scarcely one-half could be induced to attend at his trial; and many of those who concurred in his condemnation, subscribed the sentence with feelings of shame and remorse. But so it always happens in revolutions. The most violent put themselves forward; their vigilance and activity seems to multiply their number, and the daring of the few wins the ascendancy over the indolence or the pusillanimity of the many.

NOTE [A.]

THE reader will perhaps be surprised that I have not alluded to the immense multitude of English protestants said to have been massacred at the breaking out of the rebellion. I am perfectly aware that Clarendon speaks "of forty or fifty thousand murdered before they suspected themselves to be in any danger, or could provide for their own defence by drawing together in towns or strong houses:" (Clarendon, i. 299. See also his *History of the Irish Rebellion*,) that a nameless writer, copied by Nalson, says, that the insurgents "within a few days murdered an incredible number of protestants, men, women, and children indiscriminately" (Nalson, ii. 591); that May asserts, that "the persons of above 200,000 men, women, and children, were murdered, many of them with exquisite and unheard-of tortures, within the space of one month," (May, 81,) and that the same has been repeated by writers without number. But such assertions appear to me rhetorical flourishes, rather than historical statements. They are not founded on authentic documents. They lead the reader to suppose, that the rebels had formed a plan to surprise and murder all the protestant inhabitants: whereas the fact was, that they sought to recover the lands which in the last and the present reign had been taken from them and given to the English planters. They warned the intruders to be gone; they expelled them from the plantations; they seized their goods, and burnt their houses. That in the prosecution of this object many lives would be lost on both sides, is evident. As early as October 27, colonel Crawford killed 300 Irish with his cavalry without the loss of a man, and on the 28th, colonel Matthews slaughtered above 150 more, "starting them like hares out of the bushes:" (Carte, i. 186,) and on the other hand, many insulated acts of murder by the rebels, prompted chiefly by the revenge of individuals, occurred. But that no premeditated design of a general massacre existed, and that no such massacre was made, is evident from the official despatches of the lords justices during the months of October, November, and December.

1. We have their despatches of October the 25th, with the accompanying documents (Lords' Journals, iv. 412. Nalson, ii. 514—523): but in these there is no mention of any one murder. After detailing the rising and plundering by the insurgents, they add, "this, though too much, is all that we yet hear is done by them." Journals, *ibid.* Nalson, ii. 516.

2. In a letter to the privy council, of November 15, they thus describe the conduct of the rebels: "They have seized the houses and estates of almost all the English in the counties of Monaghan, Cavan, Fermanagh, Armagh, Tirone, Donegall, Letrim, Longford, and a great part of the county of Downe, some of which are houses of good strength, and dispossessed the English of their arms, and some of the English gentlemen whose houses they seized (even without any resistance in regard of the sudden-

ness of their surprise), the rebels most barbarously, not only murdered, but, as we are informed, hewed some of them to pieces. They surprised the greatest part of a horse troop of his majestie's army, commanded by the lord Grandison, in the county of Armagh, and possessed themselves of their arms. They apprehended the lord Caulfield and sir Edward Trevor, a member of this board, and sir Charles Pointes, and Mr. Branthwait, agent to the earl of Essex, and a great number of other gentlemen of good quality of the English in several parts, whom they still keep prisoners; as also the lord Blayney's lady and children, and divers other ladies and gentlemen. They have wasted, destroyed, and spoyled wheresoever they came, and now their fury begins to threaten the English plantations in the Queen's county and King's county, and, by their example, the sheriff of the county of Longford, a native and papist, is likewise risen in arms, and followed by the Irish there, where they rob, spoyl, and destroy the English with great cruelty.

"In these their assaults of the English, they have slain many, robbed and spoyled thousands, reduced men of good estates in lands, who lived plentifully and well, to such a condition as they left them not so much as a shirt to cover their nakedness. They turned out of their estates many of considerable fortunes in goods, and left them in great want and misery, and even the Irish servants and tenants of the English, who lived under them, rise against them with great malignity, and joyn with the rebels. They defaced the chargeable buildings and profitable improvements of the English, to their uttermost power. They threaten all the English, to be gone by a time, or they will destroy them utterly; and indeed they give out publicly, that their purpose is totally to extirp the English and protestants, and not to lay down arms until by act of parliament here, the Romish religion be established, and that the government be settled in the hands of natives, and all the old Irish restored to the lands of their supposed ancestors." Nalson, p. 889.

3. In another of the same date, to be read in the house of commons, they express themselves thus, "By killing and destroying so many English and protestants in several parts, by robbing and spoiling of them, and many thousands more of his majestie's good subjects, by seizing so many castles, houses, and places of strength, in several parts of the kingdom, by threatening the English to depart, or otherwise they will destroy them utterly; and all their wickedness acted against the English and protestants with so much inhumanity and cruelty, as cannot be imagined to come from christians, even towards infidels." Ibid p. 893.

4. In the fourth, of November 25, they describe the progress of the rebellion. "In both counties, as well Wickloe as Wexford, all the castles and houses of the English, with all their substance, are come into the hands of the rebels, and the English, with their wives and children, strip'd naked, and banished thence by their fury and rage. The rebels in the county of Longford do still increase also, as well in their numbers, as in their violence. The Ulster rebels are grown so strong, as they have sufficient men to leave behind them in the places they have gotten northward, and to lay siege to some not yet taken. . . . They have already taken Mellifont, the lord Moor's house, though with the loss of about 120 men of theirs, and there (in cold blood) they murdered ten of those that manfully defended that place. . . . In the county of Meath also. . . the rebels rob and spoil the English protestants till within six miles of Dublin." Ibid. 900, 901.

5. We have a fifth despatch, of November 27th, "The disturbances are now grown so general, that in most places, and even round about this city within four miles of us, not only the open rebels of mere Irish, but the natives men, women, and children, joyn together and fall on the neighbours that are English or protestants, and rob and spoil them of all they have, nor can we help it." Nalson, 902.

6. I shall add a sixth, of December 14th, "They continue their rage and malignity against the English and protestants, who if they leave their goods or cattel for more safety with any papists, those are called out by the rebels, and the papists goods or cattel left behind; and now upon some new councils taken by them, they have added to their former a farther degree of cruelty, even of the highest nature, which is to proclaim, that if any Irish shall harbour or relieve any English, that be suffered to escape them with his life, that it shall be penal even to death to such Irish; and so they will be sure though they put not those English actually to the sword, yet they do as certainly and with more cruelty cut them off that way, than if they had done it by the sword; and they profess they will never give over until they leave not any seed of an Englishman in Ireland." Ibid. 911. They then add an account of a castle in the town of Longford having surrendered on a promise of quarter, when a priest killed the minister, and others killed some of the captives and hanged the rest. Ibid. 913. "The rebels of the county of Kildare have taken the Naas and Kildare in the county of Kildare. The rebels of Meath have taken Trim and Ashboy in the county of Meath, and divers other places. The rebels of the county of Dublin have possessed Swords and Rathcoole, and spoiled all the English and protestants even to the gates of Dublin." Nalson, 914.

If we consider the language of these despatches, and at the same time recollect who were the writers, and what an interest they had to exaggerate the excesses of the insurgents, we must, I think, conclude that hitherto no general massacre had been made or attempted.

On the 23d of December the same lords justices granted a commission to Henty Jones, dean of Kilmore, and seven other clergymen, in these words: "Know ye that we...do hereby give unto you...full power and authority...to call before you, and examine upon oath on the holy Evangelists...as well all such persons as have been robbed and despoiled, as all the witnesses, that can give testimony therein what robberies and spoils have been committed on them since the 22d of October last, or shall hereafter be committed on them or any of them: what the particulars were, or are, whereof they were or shall be so robbed or spoiled; to what value, by whom, what their names are, or where they now or last dwelt that committed these robberies. On what day or night the said robberies or spoils committed or to be committed, were done: what traitorous or disloyal words, speeches, or actions, were then or at any other time uttered or committed by those robbers or any of them, and how often: and all other circumstances concerning the said particulars, and every of them. And you, our said commissioners, are to reduce to writing all the examinations, &c. and the same to return to our justices and council of this our realm of Ireland." Temple, Irish Reb. p. 137.

Let the reader consider the purport of this commission, and he will certainly think it strange that, if a general massacre of the protestants had taken place, if 200,000, as May says, or even the smaller number of 40 or 50,000, had been murdered, the lords justices should have omitted to mention so bloody a transaction. However, on the 18th of January, 1643, they issued another commission to the same persons, with this additional instruction, to inquire "what lands had been seized, and what murders committed by the rebels; what numbers of British protestants had perished in the way to Dublin, or any other place whither they fled, and how many had turned papists since the 23d of October." Warner, 161. 294. Here murders are indeed mentioned, but in such a manner as to prove that the justices were still ignorant of any general or even extensive massacre.

The commissioners accordingly took depositions from March 24th till October, 1644, and the examinations fill thirty-two large volumes folio, de-

posited in the college library at Dublin. Warner, after a diligent inspection, observes that "in infinitely the greatest number of them, the words *being duly sworn*, have the pen drawn through them, with the same ink with which the examinations were written; and in several of those where such words remain, many parts of the examinations are crossed out. This is a circumstance which shows, that the bulk of this immense collection is parole evidence, and upon report of common fame." Ibid. 295.

Out of these examinations, therefore, the commissioners collected those which had been made upon oath, and consigned them to another book, attesting with their signatures that the copies were correct. "From these then it appears that the whole number of persons killed by the rebels *out of war*, not at the beginning only, but in the course of the two first years of the rebellion, amounted altogether to 2109; on the report of other protestants, 1619 more, and on the report of some of the rebels themselves, a further number of 300; the whole making 4028. Besides these murders, there is in the same collection, evidence, on the report of others, of 8000 killed by ill usage: and if we allow that the cruelties of the Irish out of war extended to these numbers (which, considering the nature of several of the depositions, I think in my conscience we cannot,) yet, to be impartial, we must allow, that there is no pretence for laying a greater number to their charge." Warner, 297.

I shall not lengthen this note by narrating the recriminations of the Irish. That they suffered as much as they inflicted cannot be doubted. But the blame of such barbarities should not rest solely with the perpetrators on either side: it ought to be shared by those who originally sowed the seeds of these calamities by civil oppression and religious persecution.

NOTE [B.]

Nothing more clearly shows the readiness of Charles to engage in intrigue, and the subtleties and falsehood to which he could occasionally descend, than the history of Glamorgan's mission to Ireland. In this note I purpose to lay before the reader the substance of the several documents relating to the transaction.

On the 1st of April, 1644, the king gave to him, by the name of Edward Somerset alias Plantagenet, lord Herbert, baron Beaufort, &c. a commission under the great seal, appointing him commander-in-chief of three armies of Englishmen, Irishmen, and foreigners, authorizing him to raise monies on the securities of the royal wardships, customs, woods, &c. furnishing him with patents of nobility from the title of marquess to that of baronet, to be filled up with names at his discretion, promising to give the princess Elizabeth to his son Plantagenet in marriage with a dower of £300,000, a sum which did not much exceed what Herbert and his father had already spent in the king's service, and in addition to Herbert himself the title of duke of Somerset, with the George and blue riband. From the Nuncio's Memoirs in Birch's Inquiry, p. 22.

This commission was granted in consequence of an understanding with the deputies from the confederate catholics, who were then at Oxford, and its object is fully explained by Herbert himself in a letter to Clarendon, to be laid before Charles II. and dated June 11, 1660. "For his majesty's better information, through your favour, and by the channel of your lordship's understanding things rightly, give me leave to acquaint you with

one chief key, wherewith to open the secret passages between his late majesty and myself in order to his service; which was no other than a real exposing of myself to any expense or difficulty, rather than his just design should not take place; or, in taking effect, that his honour should suffer. An effect, you may justly say, relishing more of a passionate and blind affection to his majesty's service, than of discretion and care of myself. This made me take a resolution that he should have seemed angry with me at my return out of Ireland, until I had brought him into a posture and power to own his commands, to make good his instructions, and to reward my faithfulness and zeal therein.

"Your lordship may well wonder, and the king too, at the amplitude of my commission. But when you have understood the height of his majesty's design, you will soon be satisfied that nothing less could have made me capable to effect it; being that one army of 10,000 men was to have come out of Ireland, through North Wales; another of a like number, at least, under my command in chief, have expected my return in South Wales, which sir Henry Gage was to have commanded as lieutenant-general; and a third should have consisted of a matter of 6000 men, 2000 of which were to have been Liegeois, commanded by sir Francis Edmonds, 2000 Lorrainers, to have been commanded by colonel Brownè, and 2000 of such French, English, Scots, and Irish, as could be drawn out of Flanders and Holland. And the 6000 were to have been, by the prince of Orange's assistance, in the associated counties; and the governor of Lyne, cousin-german to major Bacon, major of my own regiment, was to have delivered the town unto them.

"The maintenance of this army of foreigners was to have come from the pope and such catholic princes as he should have drawn into it, having engaged to afford and procure £30,000 a month; out of which the foreign army was first to be provided for, and the remainder to be divided among the other armies. And for this purpose had I power to treat with the pope and catholic princes with particular advantages promised to catholics for the quiet enjoying their religion, without the penalties which the statutes in force had power to inflict upon them. And my instructions for this purpose, and my powers to treat and conclude thereupon, were signed by the king under his pocket signet, with blanks for me to put in the names of pope or princes, to the end the king might have a starting-hole to deny the having given me such commissions, if excepted against by his own subjects; leaving me as it were at stake, who for his majesty's sake was willing to undergo it trusting to his word alone." Clarendon papers, ii. 201, 202.

But his departure was delayed by Ormond's objections to the conditions of peace; and the king, to relieve himself from the difficulty, proposed to Herbert to proceed to Ireland, and grant privately to the catholics those concessions which the lord lieutenant hesitated to make, on condition of receiving in return an army of 10,000 men for the royal service. In consequence, on the 27th of December, Charles announced to Ormond that Herbert was going to Ireland under an engagement to further the peace. Carte, ii. App. p. 5.

1645, January 2d. Glamorgan (he was now honoured with the title of earl of Glamorgan) received these instructions. "First you may ingage yr estate, interest and credit that we will most really and punctually performe any our promises to the Irish, and as it is necessary to conclude a peace suddenly, soe whatsoever shall be consented unto by our lieutenant the marquis of Ormond, We will dye a thousand deaths rather than disanull or breake it; and if vpon necessity any thing be to be condesoended unto, and yet the lord marquis not willing to be seene therein, as not fitt for us at the present publickely to owne, doe you endeavour to supply the same." Century of Inventions by Mr. Parlington, original letters and offi-

cial papers, xxxv. Then follows a promise to perform any promise made by him to Ormond or others, &c.

January 6. He received a commission to levy any number of men in Ireland and other parts beyond the sea, with power to appoint officers, receive the king's rents, &c. Birch, p. 18, from the nuncio's memoirs, fol. 713.

January 12. He received another warrant of a most extraordinary description, which I shall transcribe from a MS. copy in my possession, attested by his signature, and probably the very same which he gave to Ormond after his arrest and imprisonment.

"CHARLES REX

"Charles by the grace of God king of England Scotland Fraunce and Ireland Defender of the Fayth, &c. To our Right trusty and Right well beloved Cossin Edward Earle of Glamorgan greetinge. Whearas wee haue had sufficient and ample testimony of y^r approued wisdome and fideliti Soe great is the confidence we repose in yo^w as that whatsoeuer yo^w shall perform as warranted only under our signe manuall pocket signett or private marke or even by woorde of mouthe without further cerimonii, wee doo in the worde of a kinge and a cristian promis to make good to all intents and purposes as effectually as if your authoriti from us had binne under our great seale of England wth this advantage that wee shall esteem our self farr the moore obliged to yo^w for y^r gallantry in not standing upon such nice tearms to doe us service wh wee shall God willing rewarde. And althoughe yo^w exceed what law can warrant or any power of ours reach unto, as not knowinge what yo^w may haue need of, yet it being for our service wee oblige our self not only to giue yo^w our pardon but to mantayne the same wth all our might and power, and though either by accident yo^w loose or by any other occasion yo^w shall deem necessary to deposit any of our warrants and so wante them at yo^r returne, wee faithfully promise to make them good at your returne, and to supply any thing wherein they shall be found defective, it not being convenient for us at this time to dispute upon them, for of what wee haue heer sett downe yo^w may rest confident, if ther be fayth or truth in man: proceed theerfor cheerfully, spedelj, and bouldly, and for yo^r so doinge this shal be yo^r sufficient warrant. Giuen at our Court of Oxford under our signe manuall and privat signet this 12 of Januarj 1644.

GLAMORGAN.

"To our Right trustj and Right well beloved
cosin Edward Earle of Glamorgan."

Indorsed "The Earle of Glamorgan's further authoritj."

Feb. 12. Glamorgan had left Oxford, and was raising money in Wales, when Charles sent him other despatches, and with them a letter desiring him to hasten to Ireland. In it he acknowledges the danger of the undertaking, that Glamorgan had already spent above a million of crowns in his service, and that he was bound in gratitude to take care of him next to his own wife and children. "What I can further thinke at this pnt is to send y^w the blue ribbon, and a warrant for the title of duke of Somerset, both w^{ch} accept and make vse of at your discretion, and if you should deferre y^e publishing of either for a whyle to avoyde envye, and my being importuned by others, yet I promise yo^r antiquitie for y^e one and your pattent for the other shall bear date with the warrants." *Century of Inventions*, p. xxxiv. On the 18th of August, 1660, the marquiss of Hertford complained that this patent was injurious to him, as he claimed the title of Somerset. Glamorgan, then marquess of Worcester, readily surrendered it on the 3d of September, and his son was created duke of Beaufort.

On March 12, the king wrote to him the following letter.

"HARRERT,

"I wonder you are not yet gone for Ireland; but since you have stayed all this time, I hope these will ouertake you, whereby you will the more see the great trust and confidence I repose in your integrity, of which I have had soe long and so good experience: commanding yow to deale with all ingenuity and freedome with our lieutenant of Ireland, the marquess of Ormond, and on the word of a king and a christian, I will make good any thing which our lieutenant shall be induced unto upon your persuasion: and if you find it fitting, you may privately show him these, which I intend not as obligatory to him, but to my selfe, and for both your encouragements and warrantise, in whom I repose my chiefest hopes, not having in all my kingdomes two such subjects; whose endeaours joining, I am confident to be soone drawn out of the mire I am now enforced to wallow in." *Century of Inventions*, xxxviii.

What were the writings meant by the word "these," which Glamorgan might show to Ormond if he thought fitting? Probably the following warrant, dated at Oxford on the same day.

"CHARLES R

"Charles by the Grace of God King of England Scotland France and Ireland Defender of the Fayth &c. To our right trusty and right welbelovd Cosin Edward earl of Glamorgan Greeting. We reposing great and espittiall trust, and confidence in y^r approved wisdom, and fidelity doe by these (as firmly as under our great scale to all intents and purposes) Authorise and give you power to treat and conclude wth the Confederat Romaine Catholikes in our Kingdom of Ireland, if vpon necessity any thing be to be condescended vnto wherein our Ljeutenant can not so well be seene in as not fitt for vs at the present publicly to owne, and therefore we charge you to proceede according to this our warrant wth all possible secrecie, and for whatsoever you shall engage your selfe, vpon such valuable considerations as you in y^r judgment shall deeme fitt, we promise in the word of a King and a Christian to ratifie and performe the same, that shall be granted by you, and vnder your hand and seale, the sayd confederat Catholikes having by theyr supplies testified theyre zeale to our service, and this shall be in eache particular to you a sufficient warrant Given at our Court at Oxford, vnder our signett and Royall signature the twelwe day of Marche in the twentieth yeare of our Raigne 1644

"To our Right Trusty and right welbelovd Cosin, Edward Earle of Glamorgan"

Some writers have attempted to dispute the authenticity of this warrant, because, though it was inserted verbatim in Glamorgan's treaty with the confederates, he did not produce it at the requisition of the council at Dublin, under the excuse that he had deposited it with the catholics at Kilkenny. But that this was the truth, appears from the nuncio's memoirs: "a sua majestate mandatum habuit, cujus originale regiâ manu subscriptum Glamorganiz comes deposuit apud confederatos catholicos." Fol. 1292, apud Birch, 215: and if better authority be required, I have in my possession the original warrant itself, with the king's signature and private seal, bearing the arms of the three kingdoms, a crown above, and C. R. on the sides, and indorsed in the same hand writing with the body of the warrant. "The Earle of Glamorgan's espittiall warrant for Ireland." Of this original the above is a correct copy.

April 30. The king having heard that Rinuccini had been appointed nuncio, and was on his way to Ireland, sent to Glamorgan a letter for that prelate, and another for the pope. The contents of the second are un-

known; the first is copied in the nuncio's memoirs. "Nous ne doutons point, que les choses n'yront bien, et que les bonnes intentions commencés par effect du dernier pape ne s'accomplissent par celuys icy, et par vos moyens, en notre royaume d'Irlande et de Angleterre." Birch, 28. He then requests the nuncio to join with Glamorgan, and promises to accomplish, on the return of the latter, whatever they shall have resolved together. Ibid.

After the discovery of the whole proceeding, the king, on January 29th, 1646, sent a message to the two houses in England, in which he declares (with what truth the reader may judge) that Glamorgan had a commission to raise men, and "to that purpose only:" that he had no commission to treat of any thing else without the privity and directions of Ormond: that he had never sent any information of his having made any treaty with the catholics, and that he (the king) disavowed him in his proceedings, and had ordered the Irish council to proceed against him by due course of law. Charles's Works, 555.

Two days later, January 31, having acknowledged to the council at Dublin that he had informed Glamorgan of the secret instructions given to Ormond, and desired him to use his influence with the catholics to persuade them to moderate their demand, he proceeds, "To this end (and with the strictest limitations that we could enjoin him, merely to those particulars concerning which we had given you secret instructions, as also even in that to do nothing but by your especial directions) it is possible we might have thought fit to have given unto the said earl of Glamorgan such a credential as might give him credit with the Roman catholics, in case you should find occasion to make use of him, either as a farther assurance unto them of what you should privately promise, or in case you should judge it necessary to manage those matters for their greater confidence apart by him, of whom, in regard of his religion and interest, they might be less zealous. This is all, and the very bottom of what we might have possibly entrusted unto the said earl of Glamorgan in this affair." Carte's Ormond, iii. 446. How this declaration is to be reconciled with the last, I know not.

With this letter to the council he sent two others. One was addressed to Ormond, asserting on the word of a christian that he never intended Glamorgan to treat of any thing without Ormond's knowledge and approbation, as he was always diffident of the earl's judgment, but at the same time commanding him to suspend the execution of any sentence which might be pronounced against that nobleman. Carte, ii. App. p. 12. The second, dated Feb. 3, was to Glamorgan himself, in these words.

"GLAMORGAN,

"I must clearly tell you, both you and I have been abused in this business, for you have been drawn to consent to conditions much beyond your instructions, and your treaty hath been divulged to all the world. If you had advised with my lord lieutenant, as you promised me, all this had been helped. But we must look forward. Wherefore, in a word, I have commanded as much favour to be shown to you as may possibly stand with my service or safety: and if you will yet trust my advice—which I have commanded Digby to give you freely—I will bring you so off that you may still be useful to me, and I shall be able to recompence you for your affection; if not, I cannot tell what to say. But I will not doubt your compliance in this, since it so highly concerns the good of all my crowns, my own particular, and to make me have still means to show myself

"Your most assured Friend,

"CHARLES R.

Oxford, Feb. 3, 1645-6."

Warner, 360.

In this letter Charles did not express himself with freedom, probably because it was sent through Ormond and Digby. But on February 28th he despatched Sir J. Winter to Glamorgan, with full instructions, and this short epistle.

"HERBERT,

"I am confident that this honest trusty bearer will give you good satisfaction why I have not in euerie thing done as you desired, the wante of confidence in you being so farre from being ye cause thereof, that I am euery day more and more confirmed in the trust that I have of you, for beleeeve me, it is not in the power of any to make you suffer in my opinion by ill offices; but of this and diuers other things I have given so full instructions that I will say no more, but that I am

"Your most assured constant Friend,

"CHARLES R."

Century of Inventions, xxxix.

April 5th he wrote to him again.

"GLAMORGAN,

"I have no time, nor do you expect that I shall make unnecessary repetitions to you. Wherefore, referring you to Digby for business, this is only to give you assurance of my constant friendship to you: which, considering the general defection of common honesty, is in a sort requisite. Howbeit, I know you cannot but be confident of my making good all instructions and promises to you and the nuncio.

"Your most assured constant Friend,

"CHARLES R."

Warner, 373.

On the following day the king sent him another short letter.

"HERBERT,

"As I doubt not but you have too much courage to be dismayed or discouraged at the usage you have had, so I assure you that my estimation of you is nothing diminished by it, but rather begets in me a desire of revenge and reparation to us both; for in this I hold myself equally interested with you. Wherefore not doubting of your accustomed care and industry in my service, I assure you of the continuance of my favour and protection to you, and that in deeds more than words, I shall show myself to be

"Your most assured constant Friend,

"CHARLES R."

Warner, 374.

If after the perusal of these documents any doubt can remain of the authenticity of Glamorgan's commission, it must be done away by the following passage from Clarendon's correspondence with secretary Nicholas. Speaking of his intended history, he says, "I must tell you, I care not how little I say in that business of Ireland, since those strange powers and instructions given to your favourite Glamorgan, which appears to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction of Ireland, both before and since, that you and I were never thought wise enough to be advised with in. Oh, Mr. Secretary, those stratagems have given me more sad hours than all the misfortunes in war which have befallen the king, and look like the effects of God's anger towards us." Clarendon papers, ii. 337.

NOTE [C.]

I. The ordinances had distinguished two classes of delinquents, the one religious, the other political. The first comprised all catholic recusants, all persons whomsoever, who, having attained the age of twenty-one, should refuse to abjure upon oath the doctrines peculiar to the catholic creed. These were reputed papists, and had been made to forfeit two-thirds of their real and personal estates, which were seized for the benefit of the kingdom by the commissioners of sequestration appointed in each particular county. The second comprehended all persons who were known to have fought against the parliament, or to have aided the royal party with money, men, provisions, advice or information: and of these the whole estates, both real and personal, had been sequestrated, with the sole exception of one-fifth allotted for the support of the wife and children, if the latter were educated in the protestant religion. *Elaynge's ordinances*, 3. 22 et seq.

II. These sequestrated estates not only furnished a yearly income, but also a ready supply on every sudden emergency. Thus when colonel Harvey refused to march till his regiment had received the arrears of its pay, amounting to £3000, an ordinance was immediately passed to raise the money by the sale of woods belonging to lord Petre, in the county of Essex. (*Journals*, vi. 519.) When a complaint was made of a scarcity of timber for the repairs of the navy, the two houses authorized certain shipwrights to fell 2500 oak trees on the estates of delinquents in Kent and Essex. (*Ibid.* 520.) When the Scots demanded a month's pay for their army, the committee at Goldsmiths' hall procured the money by offering for sale such property of delinquents as they judged expedient, the lands at eight, the houses at six years' purchase. *Journals of Commons*, June 10. 24. 1644.

III. But the difficulty of procuring ready money by sales induced the commissioners to look out for some other expedient: and when the sum of £15,000 was wanted to put the army of Fairfax in motion, it was raised without delay by offering to delinquents the restoration of their sequestrated estates, on the immediate payment of a certain fine. (*Commons' Journals*, Sep. 13, 1644.) The success of this experiment encouraged them to hold out a similar indulgence to such persons as were willing to quit the royal party, provided they were not catholics, and would take the oath of abjuration of the catholic doctrine. (*Ibid.* Mar. 6. Aug. 12. 1645. May 4. June 26. Sep. 3. 1646.) Afterwards, on the termination of the war, the great majority of the royalists were admitted to make their compositions with the committee. Of the fines required, the greater number amounted to one-tenth, many to one-sixth, and a few to one-third of the whole property, both real and personal, of the delinquents. See the *Journals* of both houses for the years 1647, 1648.

NOTE [D.]

On the day after the king's execution appeared a work entitled ΑΙΚΩΝ ΒΑΣΙΛΙΚΗ, or the portraiture of his sacred majesty in his solitude and sufferings. It professed to be written by Charles himself, a faithful exposition of his own thoughts on the principal events of his reign, accompanied with such pious effusions as the recollection suggested to his mind. It was

calculated to create a deep sensation in favour of the royal sufferer, and is said to have passed through fifty editions in the course of the first year. During the commonwealth, Milton made a feeble attempt to disprove the king's claim to the composition of the book: after the restoration, Dr. Gauden, a clergyman of Bocking, in Essex, came forward and declared himself the real author. But he advanced his pretensions with secrecy, and received, as the price of his silence, first the bishopric of Exeter, and afterwards, when he complained of the poverty of that see, the richer bishopric of Worcester.

After the death of Gauden, his pretensions began to transpire, and became the subject of an interesting controversy between his friends and the admirers of Charles. But many documents have been published since, which were then unknown, particularly the letters of Gauden to the earl of Clarendon, (Clarendon papers, iii. App. xxvi—xxxi. xcv.) and others from him to the earl of Bristol, (Maty's review, ii. 253. Clarendon papers, iii. App. xcvi. and Mr. Todd, *Memoirs of Bishop Walton*, i. 138.) These have so firmly established Gauden's claim, that whoever denies it, must be prepared to pronounce that prelate an impostor, to believe that the bishops Morley and Duppa gave false evidence in his favour, and to explain how it happened that those, the most interested to maintain the right of the king, namely Charles II. his brother the duke of York, and the two earls of Clarendon and Bristol, gave in to the deception. These difficulties, however, have not appalled Dr. Wordsworth, who, in a recent publication of more than four hundred pages, entitled, "*Who wrote ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ?*" has collected with patient industry every particle of evidence which can bear upon the subject: and after a most minute and laborious investigation, has concluded by adjudging the work to the king, and pronouncing the bishop an impudent impostor. Still my incredulity is not subdued. There is much in the ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ itself which forbids me to believe that Charles was the real author, though the latter, whoever he were, may have occasionally consulted and copied the royal papers; and the claim of Gauden appears too firmly established to be shaken by the imperfect and conjectural improbabilities which have hitherto been produced against it.

ADDITIONAL NOTE TO P. 41.

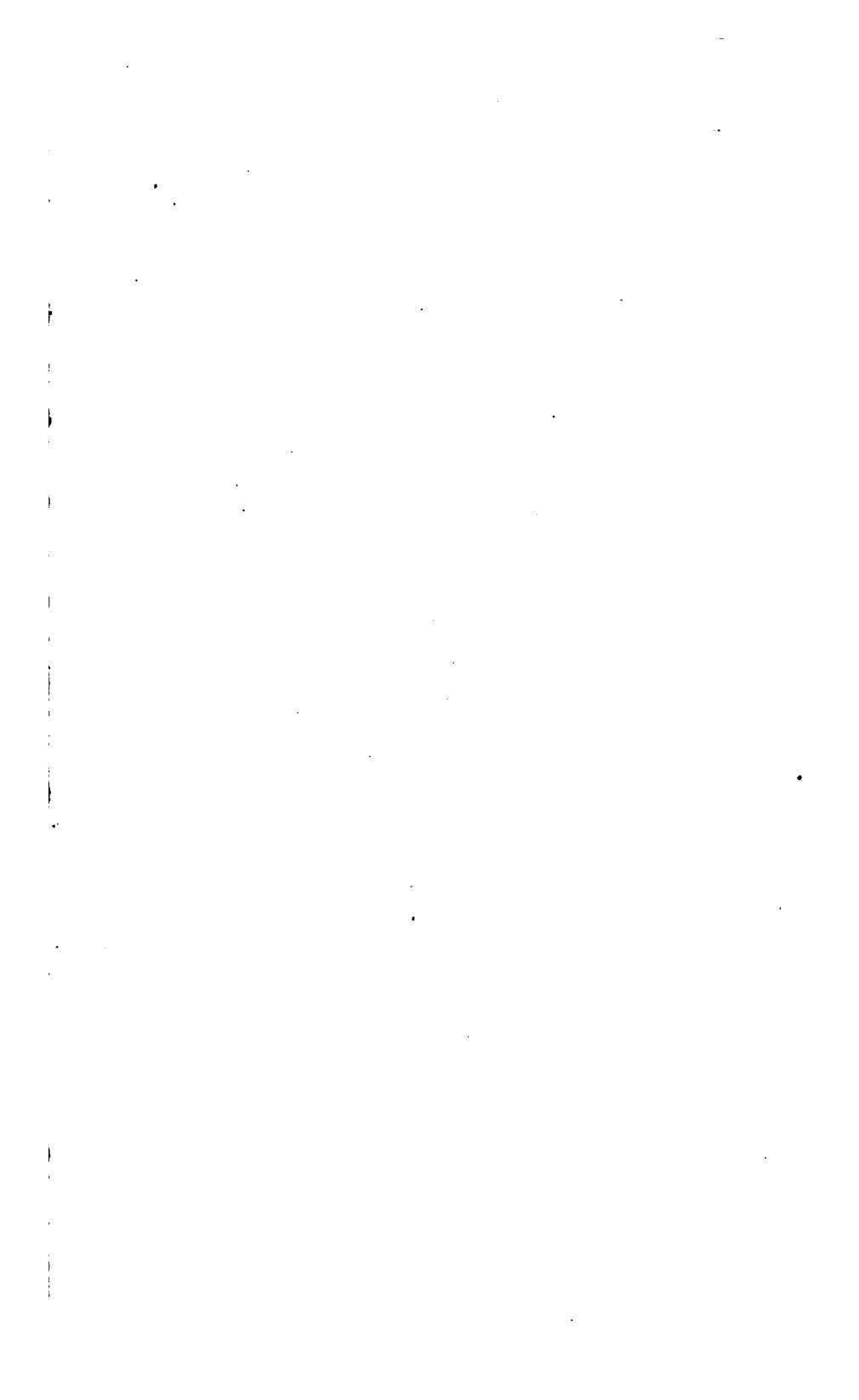
Since I wrote the note to page 83, I have been favoured with the perusal of the declaration signed by Tresham, on the night of December 22nd, a few hours before he expired. In it, he states, that on his private examination four persons were named to him as having been concerned with Winter in the treasonable messages sent to Spain in the time of the late queen; and he was ordered to denounce the others, unless he wished to meet with more severe treatment than he had hitherto experienced: that under the influence of this threat he was induced to name Walley (Garnet); but that now he sought to amend his deposition, and having been refused by Wade, the lieutenant, had dictated this his declaration to his servant: "This I do deliver here upon my salvacōn to be trew, as near as I can call to mynde: desiring y^t my former confession may be called in, and that this may stand for truthe. *It was more than I knew y^t Mr. Walley was used herein*, and to give your lordship a profe besides my oathe, I had not seen him in sixteene yere before, nor never had messuadge nor letter from him."

Sir Edward Coke sent the declaration to Cecil, with the following remark, "This is the fruite of equivocation, (the booke whereof was found in Tresham's desk) to affirm manifeste falshoods upon his salvation in *ipso articulo*."

lo mortis." At the trial of Garnet, however, I think that both Cecil and Coke failed in the attempt to prove these falsehoods. They took the declaration of Tresham for a denial that Garnet knew of the Spanish treason, a design of invasion, (Gunpowder Treason, 219) which is certainly far more than the words of Tresham can be fairly supposed to mean. 1. To prove that Tresham had seen Garnet within sixteen years, they produced several depositions of Mrs. Anne Vaux; that both had dined together at her house "three or four times since the king's coming in, in divers times before." (Ibid. 221. 222.) This, however, cannot be considered as evidence that they had met before the time of the Spanish treason, to which alone the dying words of Tresham manifestly refer.

7

END OF VOL. X.



7

Mr



